

ACTS OF THE NINTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the second day of December, 1805, and ended on the twenty-first day of April, 1806.

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; SAMUEL SMITH, President of the Senate pro tempore, on the 11th of December, 1805, and from the 28th of March, 1806; NATHANIEL MACON, Speaker of the House of Representatives.

STATUTE I.

Dec. 11, 1805.

CHAPTER I.—*An Act making an additional appropriation for the Naval service, during the year one thousand eight hundred and five.*

[Obsolete.]
Additional
sum appropriat-
ed for 1805.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the sum heretofore appropriated for that object, the sum of two hundred and fifty thousand dollars be, and the same hereby is appropriated towards defraying the expenses of the navy of the United States, during the year one thousand eight hundred and five.

Out of what
fund it is to be
paid.

SEC. 2. *And be it further enacted,* That the aforesaid sum shall be paid, first, out of the monies accruing at the end of the year one thousand eight hundred and five, from the duties laid by the act, passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers;" and secondly, out of any monies in the treasury not otherwise appropriated.

1804, ch. 46.

APPROVED, December 11, 1805.

STATUTE I.

Dec. 31, 1805.

CHAP. II.—*An Act supplementary to the "Act making provision for the payment of claims of citizens of the United States on the government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth day of April, one thousand eight hundred and three, between the United States and the French Republic."*

[Obsolete.]

The unex-
pended balance
of a sum here-
tofore appropri-
ated for paying
claims under the
French conven-
tion, not to go
to the surplus
fund.

Act of Nov. 10,
1803, ch. 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the balance of the appropriation of three millions seven hundred and fifty thousand dollars, made by the act to which this is a supplement, which may remain unexpended on the thirty-first of December, one thousand eight hundred and five, shall not be carried to the credit of the surplus fund, but shall remain appropriated to the same purpose for which it was originally appropriated, any act to the contrary notwithstanding.

APPROVED, December 31, 1805.

STATUTE I.

Jan. 22, 1806.

CHAP. III.—*An Act making an additional appropriation to supply the deficiency in the appropriation for the naval service, during the year one thousand eight hundred and five.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for supplying the deficiency in the appropriation for the naval service, during the year one thousand eight hundred and five, the further sum of three hundred and fifty thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same hereby is appropriated.

APPROVED, January 22, 1806.

A further sum appropriated to supply a deficiency in a former appropriation.

STATUTE I.

Jan. 22, 1806.

CHAP. IV.—*An Act to provide for Lighthouses in Long Island sound; and to declare Roxbury, in the state of Massachusetts, to be a port of delivery.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall be, and he hereby is authorized and required, to cause two good and sufficient lighthouses to be erected in Long Island sound, one to be placed on Watch Hill Point, in the town of Westerly, and state of Rhode Island, and the other on Sands's or Watch Point, in the town of Northampton, on Long Island, in the state of New York, and to appoint the keepers of the said lighthouses, (under the direction of the President of the United States,) and otherwise provide for such lighthouses, at the expense of the United States: *Provided,* that sufficient land, for the accommodation of such lighthouses, can be obtained, at a reasonable price, and the legislatures of Rhode Island and New York shall cede the jurisdiction over the same to the United States. And a sum not exceeding six thousand dollars, is hereby appropriated for the purpose of defraying the expense of erecting the said lighthouses, to be paid out of any monies in the treasury, not otherwise appropriated.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to cause the said lighthouses so to be constructed, that their lights, on being discovered, may with certainty be distinguished from those of all other lighthouses, heretofore erected in their neighbourhood.

SEC. 3. *And be it further enacted,* That the town or landing place of Roxbury, in the state of Massachusetts, shall be a port of delivery, to be annexed to the district of Boston and Charlestown, and shall be subject to the same regulations and restrictions, as other ports of delivery in the United States.

APPROVED, January 22, 1806.

A lighthouse to be placed on Watch Hill Point, and one on Sands's or Watch Point in Long Island Sound.

Keepers to be appointed.

Proviso.

The houses to be so constructed, as that their lights, on being discovered, may be distinguished from other lights.

Roxbury, in Massachusetts, to be annexed to the district of Boston and Charlestown.

1799, ch. 22.

STATUTE I.

Feb. 13, 1806.

CHAP. V.—*An Act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of two millions of dollars be, and the same is hereby appropriated towards defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account thereof to be laid before Congress as soon as may be.

SEC. 2. *And be it further enacted,* That the President of the United States be, and hereby is authorized, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per centum, per annum, redeemable at the will of the

[Obsolete.]
Sum appropriated.

President authorized to cause the money to be borrowed.
'Rates of interest.

Fund made subject to the reimbursement of principal and the paying of the interest.

Congress of the United States. And it shall be lawful for the Bank of the United States to lend the whole, or any part of the same.

SEC. 3. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriation heretofore charged upon them, by law, shall be, and hereby is pledged and appropriated for the payment of the interest, and reimbursement of the principal, of all such monies as may be borrowed in pursuance of this act, according to the terms and conditions on which the loan or loans may be effected.

APPROVED, February 13, 1806.

STATUTE I.

Feb. 21, 1806.

Unexpended balance revived and continued: additional appropriation made: to be applied under the direction of a joint committee of the Senate and House of Representatives.

1802, ch. 2.

1811, ch. 3.

STATUTE I.

Feb. 21, 1806.

Act of March 3, 1795, ch. 49.

Repeal of the 4th sec. of a former act, which imposes the condition of actual settlement.

CHAP. VI.—*An Act making a further appropriation for the support of a Library.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the unexpended balance of the former appropriation made to purchase books for the use of Congress, which is hereby revived and continued, there shall be appropriated the sum of one thousand dollars yearly, for the term of five years; to be paid out of any monies in the treasury not otherwise appropriated, and expended under the direction of a joint committee, to consist of three members of the Senate, and three members of the House of Representatives, to be appointed every session of Congress, during the continuance of this appropriation.

APPROVED, February 21, 1806.

CHAP. VII.—*An Act to repeal in part, the fourth section of an act, intituled "An act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the fourth section of an act, intituled "An act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned," as imposes the condition of an actual settlement on the said inhabitants, or any of them, their heirs or assigns, be, and the same is hereby repealed. And in every case where a patent has issued, in conformity with the said fourth section, to any of the inhabitants aforesaid, their heirs or assigns, the conditions aforesaid, inserted in any such patent, shall be considered null and void; and the fee simple be vested to all intents and purposes, in the person to whom such patent has been issued, his or her heirs or assigns.

APPROVED, February 21, 1806.

STATUTE I.

Feb. 21, 1806.

[Obsolete.]

Their accounts to be settled by the accounting officers of the treasury.

CHAP. VIII.—*An Act for the relief of the Governor, Secretary, and Judges of the late territory of the United States, northwest of the river Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they hereby are authorized and directed to settle, at the rate of compensation heretofore established, the accounts of the governor, secretary and judges of the late territory of the United States, northwest of the river Ohio, for their services while acting in those capacities, respectively, at any time between the twenty-ninth day of November, one thousand eight hundred and two, and the first Tuesday of March, one thousand eight hundred and three.

APPROVED, February 21, 1806.

CHAP. IX.—*An Act to suspend the commercial intercourse between the United States, and certain parts of the island of St. Domingo.*(a)

STATUTE I.

Feb. 28, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all commercial intercourse between any person or persons resident within the United States, and any person or persons resident within any part of the island of St. Domingo, not in possession, and under the acknowledged government of France, shall be, and is hereby prohibited; and any ship or vessel, owned, hired or employed, wholly or in part, by any person or persons resident within the United States, and sailing from any port of the United States, after due notice of this act at the custom-houses, respectively, which contrary to the intent hereof, shall be voluntarily carried; or shall be destined to proceed, whether directly, or from any intermediate port or place, to any port or place within the island of St. Domingo, and not in possession, and under the acknowledged government of France; and also any cargo which shall be found on board of such ship or vessel, when detected and interrupted in such unlawful purpose, or at her return from such voyage, to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction.

[Expired.]

Commercial intercourse with certain parts of St. Domingo interdicted.

Penalties for violating the provision above stated.

SEC. 2. *And be it further enacted,* That after due notice of this act at the several custom-houses, no ship or vessel whatever shall receive a clearance for any port or place within the island of St. Domingo, and not in the actual possession of France: nor shall any clearance be granted for a foreign voyage to any ship or vessel, owned, hired, or employed, wholly or in part, by any person or persons, resident within the United States, until the owner or the employer for the voyage, or his factor or agent, with the master, shall give bond to the United States, in a sum equal to the value of the vessel and of her cargo, with condition that the ship or vessel, for which a clearance shall be required, is destined to some port or place without the limits of such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged government of France, and during the intended voyage shall not be voluntarily carried, or permitted to proceed, whether directly or from any intermediate port or place, to any port or place within such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged government of France; and in case of being forced by any casualty into any port or place hereby interdicted, shall not, at any such port or place, voluntarily sell, deliver, or unlade any part of such cargo, except so much as may be absolutely necessary to defray the expenses requisite to enable such vessel to proceed on her intended voyage; and generally, that such ship or vessel, whilst on such voyage, shall not be employed in any traffic or commerce, with or for any person resident within any part of the island of St. Domingo, not in the actual possession, and under the acknowledged government of France.

Clearances to be given to no vessel destined to any parts of St. Domingo but those in possession of France.

Bonds to be given in cases of destinations to foreign ports, not to touch at such parts of the island of St. Domingo, &c. &c.

SEC. 3. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act, and which may be recovered, shall be distributed and accounted for, in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned;" passed the third of March, one thousand seven hundred

How the penalties and forfeitures, are to be accounted for.

Act of March 2, 1799, ch. 22.

Act of March 3, 1797, ch. 13.

(a) This act was continued in force until the next session of Congress after February 24, 1807. Act of February 24, 1807, chap. 17.

Act of Feb.
11, 1800, ch. 16.

Continuance
of this act.

President au-
thorized to re-
mit the disabili-
ties, &c. &c.

and ninety-seven, and made perpetual by an act passed the eleventh of February, one thousand eight hundred.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force for one year, and no longer.

SEC. 5. *And be it further enacted*, That at any time after the passing of this act, it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interests of the United States, by his order, to remit and discontinue the restraints and prohibitions on the commerce aforesaid.

APPROVED, February 28, 1806.

STATUTE I.

Feb. 28, 1806.

CHAP. X.—*An Act authorizing the sale of a tract of land, in the town of Cincinnati, and state of Ohio.*

Secretary of
the Treasury to
cause a tract of
land to be sur-
veyed, the site
of fort Wash-
ington, and sold,
&c. &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the disposal of a certain tract or lot of land, belonging to the United States, in the town of Cincinnati, on the Ohio, being the same on which Fort Washington was erected, the Secretary of the Treasury shall cause the said tract to be surveyed and laid off into town lots, streets and avenues, in such manner, and of such dimensions as he may judge proper, conforming as near as may be to the original plan of the town; when the survey is completed, a plat thereof shall be returned to the surveyor-general, on which the lots shall be denominated by progressive numbers, who shall therefrom cause two copies to be made, one to be transmitted to the Secretary of the Treasury, and the other to the register of the land-office at Cincinnati: on the receipt of which plat, the Secretary of the Treasury shall cause the said town lots to be offered to the highest bidder at public sale, to be held at Cincinnati, under the superintendence of the register and receiver of the land-office in the district of Cincinnati, on the same terms and conditions as have been provided for the public sale of the public lands of the United States. Six weeks' notice shall be given of the day of sale, in at least two newspapers published in the state of Ohio.

APPROVED, February 28, 1806.

STATUTE I.

Feb. 28, 1806.

CHAP. XI.—*An Act extending the powers of the Surveyor-general to the territory of Louisiana; and for other purposes.*

Act of March
2, 1805, ch. 26.
Powers of the
surveyor gen-
eral to be extend-
ed to the terri-
tory of Louisi-
ana.

Deputy sur-
veyors to be ap-
pointed.

Their duties,
&c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers vested by law in the surveyor-general, shall extend over all the public lands of the United States, in the territory of Louisiana, to which the Indian title has been or hereafter shall be extinguished. It shall be the duty of the said surveyor-general to appoint a sufficient number of skilful surveyors, as his deputies, in the said territory, one of whom he shall, with the approbation of the Secretary of the Treasury, designate as his principal deputy for the same. (a) Which said deputies shall severally take an oath, or affirmation, truly and faithfully to discharge the duties of their respective offices. The said principal deputy shall reside and keep an office in the said territory, and shall, under the superintendence of the surveyor-general, execute or cause to be executed by the other deputies, such surveys as may hereafter be authorized by law, or as he may be directed to execute by the commissioners appointed for the purpose of ascertaining the titles and claims to land within the territory aforesaid; and shall generally perform therein, in conformity with the regulations

(a) By the 3d section of the act of April 29, 1816, chap. 51, so much of the act of February 28, 1806, as provides for the appointment of a principal deputy as is inconsistent with the act of 1816, is repealed.

and instructions of the said surveyor-general, the duties imposed by law on the said surveyor-general.

SEC. 2. *And be it further enacted*, That all the plots of surveys, and all other papers and documents pertaining, or which did pertain to the office of surveyor-general, under the Spanish government, within the limits of the territory aforesaid, or to any other office heretofore established or authorized, for the purpose of executing or recording surveys of lands within the said limits, shall be delivered to the principal deputy aforesaid; and no plot of survey shall be admitted as evidence, in any court of justice, unless certified by the said principal deputy, to be a true copy of the record in his office.

SEC. 3. *And be it further enacted*, That so much of the act, intituled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," as makes it the duty of every claimant to lands, within the territory of Louisiana, to deliver to the recorder of land titles a plot of the tract or tracts, claimed by him, be, and the same is hereby repealed, so far as relates to claimants whose tracts had not been surveyed by the proper officer, under the Spanish government, prior to the twentieth day of December, one thousand eight hundred and three. And the commissioners appointed for ascertaining the titles and claims to lands, within either the territory of Louisiana, or that of Orleans, are hereby authorized to direct the officer exercising the powers of surveyor-general, within the same, to execute such surveys as they may think necessary, for the purpose of deciding on claims presented for their decision: *Provided*, that the expense of executing such surveys shall be defrayed by the parties claiming the land, unless the same be claimed by a legal French or Spanish grant, made and completed before the first day of October, one thousand eight hundred: *And provided also*, and it is hereby further enacted, that every such survey, as well as every other survey, by whatever authority heretofore executed, those of the above-mentioned legal and complete titles only excepted, shall be held and considered as private surveys only; and all the tracts of land, the titles to which may be ultimately confirmed by Congress, in conformity with the provisions of the act above mentioned, shall, prior to the issuing of patents, be re-surveyed, if judged necessary, under the authority of the person exercising the powers of surveyor-general, and at the expense of the parties.

SEC. 4. *And be it further enacted*, That the surveyor-general shall fix the compensation of the deputy surveyors, chain carriers, and axe men, in the territory of Louisiana: *Provided*, that the whole expense of surveying and marking the lines, whether paid by the United States, or by individuals, shall not exceed three dollars per mile, for every mile that shall be actually run, or surveyed and marked. And the principal deputy aforesaid, shall be entitled to receive from individuals the following fees, that is to say: for examining and recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey, and for a certified copy of any plot of a survey in his office, twenty-five cents.

APPROVED, February 23, 1806.

Plots of surveys appertaining to the office of surveyor-general under the Spanish government to be delivered to the principal deputy: What copies are good evidence.

Part of a former act respecting plots of land, &c. &c. repealed.

Act of March 2, 1805, ch. 26, sect. 4.

Commissioners authorized to direct such surveys as they may think necessary for the ascertainment of titles.

Proviso.

Private surveys excepted.

All tracts to which the title shall be confirmed by Congress, shall be re-surveyed.

Compensations.

Proviso.

STATUTE I.

Feb. 28, 1806.

[Obsolete.]

CHAP. XII.—*An Act declaring the consent of Congress to an act of the state of Pennsylvania, intituled "An act to empower the board of wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and it is hereby granted and declared to the operation of an act of the legislature of Pennsylvania, passed on the first day of April, in the

Assent of Congress to an act of the legislature of Pennsylvania, laying a

duty on tonnage.

year one thousand eight hundred and five, intituled "An act to empower the board of wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned," so far as to enable the state of Pennsylvania to collect a duty of four cents per ton, on all vessels which shall clear out from the port of Philadelphia for any foreign port or place whatever, to be expended in building piers in, and otherwise improving the navigation of the river Delaware, agreeably to the intentions of the said act.

APPROVED, Feb. 28, 1806.

STATUTE I.

Feb. 28, 1806.

CHAP. XIII.—*An Act for altering the time for holding the circuit court, in the district of North Carolina; and for abolishing the July term of the Kentucky district court.*

June term of the court changed.

Process made returnable accordingly.

Altered 1807, ch. 5.

July district court of Kentucky abolished.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the June term of the circuit court now holden for the district of North Carolina, on the fifteenth day of June, shall commence and be holden on the twentieth day of the same month, any thing contained in any former act or acts to the contrary notwithstanding. And that all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, civil or criminal, commenced or to commence in the said court; and all recognizances returnable to the said court on the fifteenth day of June, shall be continued, returned to, and have day in the session to be holden by this act, and the same proceedings shall be had thereon as heretofore, and shall have all the effect, power, and virtue as if the alteration had never been made: *Provided nevertheless*, that when the twentieth day of June shall happen on Sunday, the next shall be the first juridical day.

SEC. 2. *And be it further enacted,* That from and after the first day of August next, so much of all and every act or acts, as directs that a district court, for the Kentucky district, shall be holden on the first Monday in July, in every year, shall be, and the same is hereby repealed.

APPROVED, Feb. 28, 1806.

STATUTE I.

March 8, 1806.

CHAP. XIV.—*An Act to extend jurisdiction in certain cases to state judges and state courts.*(a)

Jurisdiction given to certain state courts in cases of forfeitures and penalties under the revenue laws of the U. S.

1808, ch. 51.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the respective county courts within, or next adjoining the revenue districts herein after mentioned, shall be and are hereby authorized to take cognizance of all complaints and prosecutions for fines, penalties, and forfeitures, arising under the revenue laws of the United States, in the districts of Champlain, Sacket Harbor, Oswego, Genessee, Niagara, and Buffalo Creek, in the state of New York, and in the district of Presque Isle, in the state of Pennsylvania, and the district attorneys of New York and Pennsylvania, respectively, are hereby authorized and directed to appoint, by warrant, an attorney as their substitute or deputy, respectively, to prosecute for the United States in each of the said county courts, who shall be sworn or affirmed to the faithful execution of his duty, as prosecutor aforesaid: *Provided*, that this authority shall not be construed to extend

(a) In the case of *Prigg v. The Commonwealth of Pennsylvania*, 16 Peters, 539, where the question presented to the court arose out of the proceedings of a magistrate of the commonwealth of Pennsylvania, under the law of Pennsylvania which interfered with the provisions of the act of Congress relating to the arrest of fugitives from labour, (act of February 12, 1793, chap. 7,) the magistrate of the state, having refused to execute the provisions of that law, the Court said, "As to the authority conferred on state magistrates by the fugitive law, while a difference of opinion exists, and may exist, on this point, in different states, whether state magistrates are bound to act under it; none is entertained by the court that state magistrates may, if they choose, exercise the authority, unless prohibited by the state legislatures." 16 Peters, 632.

jurisdiction to the county courts aforesaid, over any civil cause, which may arise in any of those revenue districts, for the collection of duties payable to the United States; or of bonds or securities given for the security and payment of duties to the United States.

SEC. 2. *And be it further enacted*, That the county courts aforesaid, or the first judge of each of said courts, shall be, and hereby are further authorized to exercise all and every power in the cases of a criminal nature, cognizable before them by virtue of the first section of this act, for the purpose of obtaining a mitigation or remission of any fine, penalty, or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them by virtue of the law of the United States, passed on the third of March, one thousand seven hundred and ninety-seven, intituled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned." And in the exercise of the authority, by this section given to said county courts, or to the first judges thereof, they shall be governed in every respect by the regulations, restrictions and provisoes of the law of the United States, passed on the third of March, one thousand seven hundred and ninety-seven, aforesaid; with this difference only, that instead of notifying the district attorneys, respectively, said county courts, or the first judges thereof, as the case may be, shall, before exercising said authorities, cause reasonable notice to be given to the attorney who may have been appointed and sworn or affirmed to prosecute for the United States, in such court, that he may have an opportunity of showing cause against the mitigation or remission of such fine, penalty, or forfeiture.

SEC. 3. *And be it further enacted*, That this act shall remain in force during the term of one year, from its passage, and from thence to the end of the next session of Congress thereafter, and no longer. (a)

APPROVED, March 8, 1806.

Criminal jurisdiction in certain cases conferred upon the courts.

Powers given by the act of March 3, 1797, ch. 13, for the remission of forfeitures, to the judges of state courts.

Continuance of this act.

Continued 1808, ch. 51.

STATUTE I.

CHAP. XV.—*An Act declaring the town of Jersey, in the state of New Jersey, to be a port of delivery; and for erecting a Lighthouse on Wood Island, or Fletcher's neck, in the state of Massachusetts.*

March 8, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the town, or landing place of Jersey, in the state of New Jersey, shall be a port of delivery, to be annexed to the district of Perth Amboy, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States. And there shall be appointed a surveyor to reside at the said port of delivery, who shall be entitled to receive, in addition to the other emoluments allowed by law, a salary of one hundred dollars, annually.

Jersey, in the state of New Jersey, made a port of delivery.

1799, ch. 22, sec. 7.

Surveyor to reside at the said place.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized and required, to cause a good and sufficient lighthouse to be erected on Wood island, or on Fletcher's neck, in the district of Maine, (selecting either place, as the President of the United States may deem eligible) and to appoint a keeper, and otherwise provide for such lighthouse, at the expense of the United States: *Provided*, that sufficient land for the accommodation of such lighthouse can be obtained at a reasonable price, and the legislature of Massachusetts shall cede the jurisdiction over the same to the United States. And the sum of five thousand dollars is hereby appropriated for the erection of said lighthouse, to be paid out of any monies in the treasury, not otherwise appropriated.

A lighthouse to be erected on Wood island, or on Fletcher's neck.

Proviso.

APPROVED, March 8, 1806.

(a) By an act passed April 21, 1808, chap. 51, the provisions of this law are made perpetual and extended to the ports and harbors in Ohio.

STATUTE I.

March 28, 1806. CHAP. XVI.—*An Act to incorporate the trustees of the Presbyterian congregation of Georgetown.*

Stephen B. Balch, &c. made a corporation or body politic.

Their style and title.

Corporation made capable of holding and alienating property, &c.

Proviso.

Made capable of suing or being sued, &c.

Have authority to use a common seal &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Stephen B. Balch, William Whann, James Melvin, John Maffit, John Peter, Joshua Dawson, James Calder, George Thompson, Richard Elliott, David Wiley, and Andrew Ross, and their successors, duly elected, or appointed, in manner herein after directed, be, and they are hereby made, declared, and constituted a corporation, and body politic in law, and in fact, to have continuance forever, by the name, style, and title of "The Trustees of the Presbyterian Congregation, in Georgetown."

SEC. 2. *And be it further enacted, That all and singular, the lands, tenements, rents, annuities, rights, privileges, goods, and chattels, heretofore given, granted, devised, or bequeathed to the said congregation, or to any person or persons, for the use thereof, or that have been purchased for, or on account of the same, be, and are hereby vested in and confirmed to the said corporation: And further, that the said corporation may purchase, take, receive, and enjoy, any lands, tenements, rents, annuities, rights or privileges, or any goods, chattels or other effects, of what kind or nature soever, which shall or may hereafter be given, granted, sold, bequeathed or devised, unto them by any person or persons, bodies politic, or corporate, capable of making such gift, grant, sale, or bequest; and the said property, real and personal, to rent, sell, convey and confirm, or otherwise dispose of, as fully and effectually as any person or persons, bodies politic, or corporate, may or can do: Provided, that the clear annual income of all such property may not exceed the sum of three thousand dollars; that no part of the ground now appropriated, and inclosed for a graveyard, be disposed of for any other purpose; and that the aforesaid property, real and personal, be considered as held in the trust, under the management, and at the disposal of said corporation, for the purpose of defraying the expenses incident to their mode of religious worship; of enclosing and keeping in decent repair, their graveyards, and other lots, with the buildings thereon; and of affording such relief to the poor, as their funds may from time to time allow, and for no other purpose.*

SEC. 3. *And be it further enacted, That the said corporation, by the name, style, and title aforesaid, be, and shall be hereafter, forever, able and capable in law, to sue, and to be sued, plead, and be pleaded, answer and be answered unto, defend, and be defended, in any court, or courts, or other places, and before any judge, or judges, justice or justices, or other person whatsoever, within the district of Columbia, or elsewhere, in all, and all manner of suits, actions, complaints, pleas, causes, matters, and demands, of whatsoever kind or nature they may be, in as full and effectual a manner, as any other person, or persons, bodies politic, or corporate, may or can do.*

SEC. 4. *And be it further enacted, That the said corporation shall have full power and authority, to make, have, and use a common seal, with such device and inscription, as they shall think proper, and the same to break, alter, and renew, at their pleasure; to appoint a treasurer, secretary, and such other officers, as they may deem necessary and proper; to assign them their duties, and fix their compensation, and to remove any, or all of them from office; appoint another, or others, in their place, as often as they shall think fit; to make, ordain, establish, and execute, such by-laws, and ordinances, of a secular nature, as may be deemed useful, for their own government, and the same to alter, amend, or abrogate, at pleasure; to fill up vacancies that may happen in their number, between two annual elections; and to determine upon, do and transact all business, and matters appertaining to the said cor-*

poration, and to the secular affairs of said congregation, agreeable to the rules, ordinances and by-laws thereof, during their continuance in office: *Provided*, that not less than five trustees be a quorum to do business; that no by-law, rule or ordinance shall be made, repugnant to the laws of this district.

Proviso.

Annual meetings of the members of the congregation for the choice of trustees, &c.

SEC. 5. *And be it further enacted*, That there shall be an annual meeting of the members belonging to said congregation, held on the first Tuesday of April, in every year hereafter, at the church or usual place of public worship, at which time and place the said members, or such of them as may be present, shall elect, and choose, by ballot, from their own number, nine trustees, to serve for the year ensuing their election, and until others shall be elected or appointed to serve in their place.

Suitable books to be kept by the trustees.

SEC. 6. *And be it further enacted*, That the trustees shall keep, or cause to be kept, in suitable books for the purpose, just and proper entries of all the proceedings and accounts of said congregation and corporation, and have them laid before the members, at every annual meeting, previous to taking the votes, and shall always deliver the said books, together with all the property of said congregation and corporation, in good order to their successors in office, whenever required.

APPROVED, March 28, 1806.

STATUTE I.

March 28, 1806.

CHAP. XVII.—*An act declaring the consent of Congress to an act of the state of South Carolina, passed on the twenty-first day of December, in the year one thousand eight hundred and four, so far as the same relates to authorizing the city council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports.*

[Expired.]

Act of the legislature of South Carolina, laying a duty on tonnage, assented to by Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and it is hereby granted and declared to the operation of an act of the general assembly of the state of South Carolina, passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, intituled "An act to authorize the city council of Charleston, with the consent of Congress, to impose and levy a duty on the tonnage of ships and vessels, for the purposes therein mentioned," so far as the same extends to authorizing the city council of Charleston to impose and levy a duty not exceeding six cents, per ton, on all ships and vessels of the United States, which shall arrive and be entered in the port of Charleston from any foreign port or place whatever.

The collector of Charleston to collect the duty and pay it over.

SEC. 2. *And be it further enacted*, That the collector of Charleston is hereby authorized to collect the duty imposed by this act, and to pay the same to such persons as shall be authorized to receive the same by the city council of Charleston.

Limitation of the law.

Continued 1809, ch. 5.

SEC. 3. *And be it further enacted*, That this act shall be in force for three years, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, March 28, 1806.

STATUTE I.

March 29, 1806.

CHAP. XIX.—*An Act to regulate the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the

(a) The acts which have been passed relating to the "Cumberland road," are:

An act to regulate the laying out and making a road from Cumberland in the state of Maryland, to the state of Ohio, March 29, 1806, chap. 19.

An act in addition to the "act to regulate the laying out and making a road from Cumberland in the state of Ohio," March 3, 1811, chap. 45.

An act in addition to the act to regulate the laying out and making a road from Cumberland in the state of Maryland, to the state of Ohio, May 6, 1812, chap. 78.

Three disinterested persons to be appointed commissioners to lay out a road.

Width, &c. of the road.

Commissioners to present a plan of the road to the President, &c.

President authorized to accept or reject it, and to pursue measures for having it executed.

United States be, and he is hereby authorized to appoint, by and with the advice and consent of the Senate, three discreet and disinterested citizens of the United States, to lay out a road from Cumberland, or a point on the northern bank of the river Potomac in the state of Maryland, between Cumberland and the place where the main road leading from Gwinn's to Winchester, in Virginia, crosses the river, to the state of Ohio: whose duty it shall be, as soon as may be, after their appointment, to repair to Cumberland aforesaid, and view the ground, from the points on the river Potomac herein before designated, to the river Ohio; and to lay out in such direction as they shall judge, under all circumstances, the most proper, a road from thence to the river Ohio, to strike the same at the most convenient place, between a point on its eastern bank, opposite to the northern boundary of Steubenville, in said state of Ohio, and the mouth of Grave creek, which empties into the said river, a little below Wheeling, in Virginia.

SEC. 2. *And be it further enacted*, That the aforesaid road shall be laid out four rods in width, and designated on each side by a plain and distinguishable mark on a tree, or by the erection of a stake or monument, sufficiently conspicuous, in every quarter of a mile of the distance, at least, where the road pursues a straight course so far or farther, and on each side, at every point where an angle occurs in its course.

SEC. 3. *And be it further enacted*, That the commissioners shall, as soon as may be, after they have laid out said road, as aforesaid, present to the President an accurate plan of the same, with its several courses and distances, accompanied by a written report of their proceedings, describing the marks and monuments by which the road is designated, and the face of the country over which it passes, and pointing out the particular parts, which they shall judge require the most and immediate attention and amelioration; and the probable expense of making the same passable in the most difficult parts, and through the whole distance: designating the state or states, through which said road has been laid out, and the length of the several parts which are laid out on new ground, as well as the length of those parts laid out on the road now travelled. Which report the President is hereby authorized to accept or reject, in the whole, or in part. If he accepts, he is hereby further authorized and requested to pursue such measures, as in his opinion shall be proper, to obtain consent for making the road, of the state or states, through

An act in addition to the act to regulate the laying out a road from Cumberland in the state of Maryland, to the state of Ohio, February 14, 1815, chap. 43.

An act to authorize the appointment of commissioners to lay out the road therein mentioned, May 15, 1820, chap. 122.

An act for the preservation of the Cumberland road, March 2, 1827, chap. 44.

An act for the construction of the Cumberland road, westwardly of Zanesville, March 2, 1829, chap. 10.

An act for the continuation of the Cumberland road, March 2, 1829, chap. 31.

An act for the preservation and repair of the Cumberland road, March 2, 1829, chap. 52.

An act for the continuation of the Cumberland road in the states of Ohio, Indiana, and Illinois, March 2, 1831, chap. 63.

An act declaring the assent of Congress to an act of the general assembly of the state of Ohio, herein-after recited, March 2, 1831, chap. 97.—[The act of the state of Ohio provides for the erection of toll gates, the appointment of toll gatherers and rates of toll on the part of the Cumberland road, which is in the state of Ohio.]

An act declaring the assent of Congress to an act of the general assembly, hereinafter recited, March 2, 1833, chap. 79.—[This act provides for the erection of toll gates, and the collection of tolls in that part of the road which passes through the state of Virginia.]

An act for the continuation and repair of the Cumberland road, June 24, 1834, chap. 68.—[By the 4th section of this act the road is surrendered to the states respectively, through which it passes.]

An act for the continuation and repair of the Cumberland road, in the states of Ohio, Indiana, and Illinois, March 3, 1835, chap. 29.

An act amendatory of the act for the continuation of the Cumberland road, March 3, 1835, chap. 30.

An act for the continuation of the Cumberland road in the states of Ohio, Indiana, and Illinois, July 2, 1836, chap. 264.

An act to provide for the continuing the construction, and for the repairs of certain roads, and for other purposes, during the year 1837, March 3, 1837, chap. 44.

An act making appropriations for the continuation of the Cumberland road in Ohio, Indiana, and Illinois, and for other purposes, May 25, 1838, chap. 84.

which the same has been laid out. Which consent being obtained, he is further authorized to take prompt and effectual measures to cause said road to be made through the whole distance, or in any part or parts of the same as he shall judge most conducive to the public good, having reference to the sum appropriated for the purpose.

SEC. 4. *And be it further enacted*, That all parts of the road which the President shall direct to be made, in case the trees are standing, shall be cleared the whole width of four rods; and the road shall be raised in the middle of the carriage way with stone, earth, or gravel and sand, or a combination of some or all of them, leaving or making, as the case may be, a ditch or water-course on each side, and contiguous to said carriage way: and in no instance shall there be an elevation in said road, when finished, greater than an angle of five degrees with the horizon. But the manner of making said road, in every other particular, is left to the direction of the President.

SEC. 5. *And be it further enacted*, That said commissioners shall each receive four dollars per day, while employed as aforesaid, in full for their compensation, including all expenses. And they are hereby authorized to employ one surveyor, two chainmen, and one marker, for whose faithfulness and accuracy, they, the said commissioners, shall be responsible, to attend them in laying out said road, who shall receive in full satisfaction for their wages, including all expenses, the surveyor three dollars per day, and each chainman and the marker, one dollar per day, while they shall be employed in said business; of which fact, a certificate signed by said commissioners shall be deemed sufficient evidence.

SEC. 6. *And be it further enacted*, That the sum of thirty thousand dollars be, and the same is hereby appropriated, to defray the expense of laying out and making said road. And the President is hereby authorized to draw, from time to time, on the treasury, for such parts, or at any one time, for the whole of said sum, as he shall judge the service requires. Which sum of thirty thousand dollars, shall be paid, first, out of the fund of two per cent. reserved for laying out and making roads to the state of Ohio, by virtue of the seventh section of an act passed on the thirtieth day of April, one thousand eight hundred and two, intituled "An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes." Three per cent. of the appropriation contained in said seventh section, being directed by a subsequent law, to the laying out, opening, and making roads within the said state of Ohio. And secondly, out of any money in the treasury not otherwise appropriated, chargeable upon, and reimbursable at the treasury by said fund of two per cent. as the same shall accrue.

SEC. 7. *And be it further enacted*, That the President be, and he is hereby requested, to cause to be laid before Congress, as soon as convenience will permit, after the commencement of each session, a statement of the proceedings under this act, that Congress may be enabled to adopt such further measures, as may, from time to time, be proper, under existing circumstances.

APPROVED, March 29, 1806.

Mode in which the road is to be made.

Compensation of the commissioners.

Commissioners authorized to employ surveyor, chainmen, &c. &c.

Their compensation.

Specific appropriation.

President authorized to draw for the whole or a part of the sum appropriated.

Out of what fund the money is to be paid. 1802, ch. 40.

President to make a statement to Congress of the proceedings under this act.

STATUTE I.

CHAP. XX.—*An Act for establishing Rules and Articles for the government of the Armies of the United States.*(a)

April 10, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the pass-

Armies of the U. S. to be go-

(a) The acts for establishing rules and articles for the government of the army of the United States.

An act for the better organization of the troops of the United States, and for other purposes, March 3, 1799, repealed.

verned by the following rules, &c.

Rules and regulations.

Officers to subscribe these rules.

Officers and soldiers recommended to attend divine service.

Indecent and irreverent conduct punished.

Profane swearing.

Absence of chaplains an offence.

Contemptuous words against the President & Vice President.

Contempt or disrespect to commanding officers.

Exciting to mutiny.

Officers present at mutiny or sedition not giving information or endeavouring to

ing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed:

Article 1. Every officer now in the army of the United States, shall, in six months from the passing of this act, and every officer who shall hereafter be appointed, shall, before he enters on the duties of his office, subscribe these rules and regulations.

Article 2. It is earnestly recommended to all officers and soldiers, diligently to attend divine service; and all officers who shall behave indecently or irreverently at any place of divine worship, shall, if commissioned officers, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit *one sixth of a dollar*, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

Article 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay for each and every such offence *one dollar*, to be applied as in the preceding article.

Article 4. Every chaplain, commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him (excepting in cases of sickness or leave of absence) shall, on conviction thereof before a court martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court martial shall judge proper.

Article 5. Any officer or soldier, who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the chief magistrate or legislature of any of the United States, in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

Article 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished according to the nature of his offence, by the judgment of a court martial.

Article 7. Any officer or soldier who shall begin, excite, cause or join in any mutiny or sedition in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Article 8. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavour to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding

An act fixing the military peace establishment of the United States, March 16, 1802, chap. 9.

An act for establishing rules and articles for the government of the army of the United States, April 10, 1806, chap. 20.

An act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 12, section 14. This section provides, "That the system of 'General regulations of the army,' compiled by Major General Scott, shall be and the same is hereby approved and adopted for the government of the army of the United States, and of the militia when in the service of the United States." This section was repealed by the act of May 7, 1822, chap. 88.

An act to alter and amend the sixty-fifth article of the first section of "An act establishing rules and articles for the government of the army of the United States," passed tenth April, 1806. May 29, 1830, chap. 179.

officer, shall be punished by the sentence of a court martial with death, or otherwise, according to the nature of his offence.

Article 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence be inflicted upon him by the sentence of a court martial.

Article 10. Every non-commissioned officer or soldier who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the armies of the United States, read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or where recourse cannot be had to the civil magistrate, before the judge advocate, and, in his presence, shall take the following oath, or affirmation: "I, A. B. do solemnly swear, or affirm, (as the case may be) that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States:" which justice, magistrate, or judge advocate, is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

Article 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him, shall be sufficient, which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer, or soldier, before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged the service, but by order of the President of the United States, or by sentence of a general court martial.

Article 12. Every colonel, or other officer, commanding a regiment, troop or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time as he shall judge to be most consistent with the good of the service; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort or barrack of the United States, (his field officer being absent) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion shall require it.

Article 13. At every muster the commanding officer of each regiment, troop or company there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop or company, certificates signed by himself, signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers, which reasons, and time of absence, shall be inserted in the muster rolls, opposite the name of the respective absent officers and soldiers. The certificates shall, together with the muster rolls, be remitted by the commissary of mus-

suppress the mutiny.

Striking a superior officer.

Death.

Rules and articles to be read on enlistment.

Oath.

To be taken before a magistrate.

After enlistment not to be discharged unless in writing.

Discharges how given.

Furloughs to non-commissioned officers or soldiers.

Certificates signifying how long officers have been absent, to be given to the commissary of musters.

The certificates to be sent

to the department of war.

False certificates.

False musters.

Taking money for false musters.

Muster of a person not a soldier.

Making false returns.

Monthly returns of the regiment.

Punishment for neglect.

Desertion.

Absence without leave.

Enlistment in other regiments without having been discharged.

Advising to desert.

ters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

Article 14. Every officer who shall be convicted, before a general court martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

Article 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters, who shall willingly sign, direct, or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Article 16. Any commissary of musters, or other officer, who shall be convicted of having taken money or other thing, by way of gratification, on mustering any regiment, troop or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have, or hold any office or employment in the service of the United States.

Article 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

Article 18. Every officer who shall knowingly make a false return to the department of war, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court martial, be cashiered.

Article 19. The commanding officer of every regiment, troop or independent company, or garrison of the United States, shall, in the beginning of every month, remit, through the proper channels, to the department of war, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished according to the nature of his crime by the judgment of a general court martial.

Article 20. All officers and soldiers, who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

Article 21. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

Article 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered.

Article 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of

the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

Article 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

Reproachful
speeches by sol-
diers.

Article 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court martial.

Sending a chal-
lenge to fight.

Article 26. If any commissioned or non-commissioned officer commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters and carriers of challenges, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer, commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given, or accepted, by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Allowing a
person to go
forth to fight a
duel.

Article 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

Quarrels and
affrays.

Article 28. Any officer or soldier, who shall upbraid another for refusing a challenge, shall himself be punished as a challenger, and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

Upbraiding an-
other for not
sending a chal-
lenge.

Article 29. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future suttling.

Prohibition of
sale of liquors
and victuals af-
ter nine at night.

Article 30. All officers commanding in the field, forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted touttle, shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

Suttlers.

Article 31. No officer commanding in any of the garrisons, forts, or barracks of the United States, shall exact exorbitant prices for houses or stalls let out to suttlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessities of life, brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

Rents of stalls,
&c. to suttlers.

Article 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command; if upon complaint made to him of officers or soldiers beating, or otherwise ill treating, any person, of disturbing fairs or markets, or of committing any kinds of riots to the disquieting

Good order to
be kept.

Reparation for injuries.

of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered or otherwise punished as a general court martial shall direct.

Officers or soldiers who commit offences against the persons or property of citizens of the United States to be delivered over to the officers of justice.

Article 33. When any commissioned officer or soldier, shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company, to which the person, or persons, so accused, shall belong, are hereby required, upon application duly made by, or in behalf of the party or parties injured, to use their utmost endeavours to deliver over such accused person, or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer, or officers, shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person, or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person, or persons, the officer, or officers, so offending, shall be cashiered.

Punishment for neglect.

Officers who shall think themselves wronged by their commanding officer may complain to the general.

Article 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general, commanding in the state or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the department of war, a true state of such complaint, with the proceedings had thereon.

Inferior officers who think themselves wronged.

Article 35. If any inferior officer or soldier shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing justice to the complainant; from which regimental court martial, either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person, so appealing, shall be punished at the discretion of the said court martial.

Embezzlement &c. of public property by commissioned officers.

Article 36. Any commissioned officer, storekeeper, or commissary, who shall be convicted at a general court martial, of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled, or damaged, shall, at his own expense, make good the loss, or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

Embezzlement, &c. by soldiers.

Article 37. Any non-commissioned officer, or soldier, who shall be convicted, at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

Sale of his horse, arms, &c. by non-commissioned officers or soldiers.

Article 38. Every non-commissioned officer or soldier, who shall be convicted before a court martial, of having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages, (not exceeding the half of his pay) as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement or such other corporeal punishment as his crime shall deserve.

Article 39. Every officer, who shall be convicted before a court

martial, of having embezzled, or misapplied any money, with which he may have been entrusted for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

Embezzlement of money.

Article 40. Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop, or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

Every captain of a troop to be accountable for the arms of the troop.

Article 41. All non-commissioned officers and soldiers, who shall be found one mile from the camp without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial.

Absence from camp without leave.

Article 42. No officer, or soldier, shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial.

Officer or soldier out of garrison without leave in writing.

Article 43. Every non-commissioned officer and soldier shall retire to his quarters or tent, at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

Retirement to quarters at beating the retreat.

Article 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence by the sentence of a court martial.

Attendance at parade.

Article 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial.

Drunkenness.

Article 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial.

Sentinel sleeping on his post.

Article 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

Excuses from duty.

Hiring of duty.

Article 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

Connivance at hiring.

Article 49. Any officer belonging to the service of the United States, who, by discharging of fire-arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

False alarms by officers.

Article 50. Any officer or soldier, who shall, without urgent necessity or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished according to the nature of his offence, by the sentence of a court martial.

Quitting guard.

Article 51. No officer or soldier shall do violence to any person who

Violence to

persons bringing provisions.

Misbehaviour before the enemy.

Casting away arms.

Plunder.

Making known the watchword.

Behaviour on march.

Forcing a safe guard.

Relieving or assisting the enemy.

Correspondence with the enemy.

All public stores taken in the enemy's camp to be secured.

Compelling the surrender of a fort, &c.

Suttlers to be subject to orders.

Rank of brevets.

brings provisions or other necessities to the camp, garrison, or quarters, of the forces of the United States, employed in any parts out of the said states, upon pain of death, or such other punishment as a court martial shall direct.

Article 52. Any officer or soldier, who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms and ammunition, or who shall quit his post or colours to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Article 53. Any person belonging to the armies of the United States, who shall make known the watchword to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watchword, different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Article 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish ponds, houses, or gardens, cornfields, enclosures of meadows, or shall maliciously destroy any property whatsoever, belonging to the inhabitants of the United States, unless by order of the then commander in chief of the armies of the said states, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court martial.

Article 55. Whosoever, belonging to the armies of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

Article 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Article 57. Whosoever shall be convicted of holding correspondence with or giving intelligence to the enemy either directly or indirectly, shall suffer death or such other punishment as shall be ordered by the sentence of a court martial.

Article 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

Article 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

Article 60. All suttlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Article 61. Officers having brevets, or commissions, of a prior date to those of the regiment in which they serve, may take place in courts martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or company, to which such officers belong, they shall do duty and take rank, both in courts martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

Article 62. If upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission there, on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

Command on march.

Article 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect, to which their rank in the army may entitle them, respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

Engineers.

Article 64. General courts martial may consist of any number of commissioned officers, from five to thirteen, inclusively, but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

General court martial.

Article 65. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts martial, whenever necessary. But no sentence of a court martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court martial, in time of peace, extending to the loss of life, or the dismissal of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the Secretary of War, to be laid before the President of the United States, for his confirmation or disapproval, and orders, in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer, for the time being, as the case may be. (a)

General officers may appoint court martial.

Proceedings of court martial.

Article 66. Every officer commanding a regiment, or corps, may appoint, for his own regiment, or corps, courts martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers, commanding any of the garrisons, forts, barracks, or other places, where the troops consist of different corps, may assemble courts martial, to consist of three commissioned officers, and decide upon their sentences.

Commanding officers of regiments may appoint courts martial.

Article 67. No garrison, or regimental court martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labour, any non-commissioned officer or soldier, for a longer time than one month.

No garrison or regimental court martial shall have power to try officers.

Article 68. Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts martial and trying offenders belonging to either; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be received and obeyed.

Limitation of powers.
Court martial how composed.

Article 69. The judge advocate, or some person deputed by him, or by the general or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might

Judge advocate.

Oath of officers of court martial.

tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts martial:

"You A. B. do swear, that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried; and that you will duly administer justice, according to the provisions of 'An act establishing rules and articles for the government of the armies of the United States,' without partiality, favour, or affection: and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases: and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority: neither will you disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. *So help you God.*"

Oath of judge advocate.

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

"You A. B. do swear, that you will not disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice in due course of law; nor divulge the sentence of the court, to any but the proper authority, until it shall be duly disclosed by the same. *So help you God.*"

Prisoner standing mute.

Article 70. When a prisoner arraigned before a general court martial shall, from obstinacy and deliberate design, stand mute or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

Challenges of members of courts martial by prisoners.

Article 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

Behaviour of the members of a court martial.

Article 72. All the members of a court martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

Evidence.

Article 73. All persons who give evidence before a court martial, are to be examined on oath or affirmation in the following form:

"You swear or affirm, (as the case may be,) the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*"

Depositions.

Article 74. On the trials of cases not capital, before courts martial, the deposition of witnesses not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence: provided, the prosecutor and the person accused are present at the taking the same, or are duly notified thereof.

Officers not to be tried, if it can be avoided, by inferior officers.

Article 75. No officer shall be tried but by a general court martial, nor by officers of an inferior rank, if it can be avoided: nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court martial, require immediate example.

Sessions of courts martial.

Article 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished, at the discretion of the said court martial.

Officers before courts martial.

Article 77. Whenever any officer shall be charged with a crime, he

shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

Article 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined, until tried by a court martial, or released by proper authority.

Article 79. No officer or soldier who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court martial can be assembled.

Article 80. No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the forces of the United States; provided the officer committing, shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Article 81. No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court martial.

Article 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

Article 83. Any commissioned officer convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

Article 84. In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

Article 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode and punishment of the delinquent, be published in the newspapers in and about the camp, and of the particular state from which the offender came, or where he usually resides, after which it shall be deemed scandalous for an officer to associate with him.

Article 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Article 87. No person shall be sentenced to suffer death, but by the concurrence of two thirds of the members of a general court martial, nor except in the cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial; and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

Article 88. No person shall be liable to be tried and punished by a general court martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself or some other manifest impediment, shall not have been amenable to justice within that period.

Article 89. Every officer authorized to order a general court martial, shall have power to pardon or mitigate any punishment ordered by such

Arrest of officers.
Confinement of offenders.

Confinement of persons charged with crimes.
No officer to be confined more than eight days before trial.
Officers refusing to keep prisoners.

Releasing prisoners or suffering them to escape.

Report to be made of prisoners.

Behaviour before courts martial.

Sentences of courts martial.

Punishment for cowardice or fraud.

Courts martial where the officers adequate to form a court martial are not in sufficient number at the post.

Sentence of a court martial shall be by the concurrence of two-thirds.

Limitation of trials.

Power of pardon, or mitigating sentences.

court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by article 65) to carry them into execution, he may suspend until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the President, for his determination. And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

Duty of the judge advocate.

Article 90. Every judge advocate, or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial, to the Secretary of War, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

Copies of proceedings and sentence of court martial.

The party tried by any general court martial, shall, upon demand thereof made by himself or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

Courts of inquiry.

Article 91. In cases where the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation, or imputation against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge advocate, or other suitable person as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

Authentication of proceedings of courts of inquiry.

Where proceedings of courts of inquiry are evidence.

Article 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer: and the said proceedings may be admitted as evidence by a court martial, in cases not capital, or extending to the dismissal of an officer, provided that the circumstances are such, that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonourable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

Oath to members of courts of inquiry.

Article 93. The judge advocate, or recorder, shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favour, affection, prejudice, or hope of reward. So help you God."

After which the president shall administer to the judge advocate, or recorder, the following oath:

"You A. B. do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as witnesses sworn before a court martial.

Effects of a commissioned officer who dies to be secured for his executors

Article 94. When any commissioned officer shall die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant military agent, shall imme-

diately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the department of war, to the end that his executors or administrators may receive the same.

Article 95. When any non-commissioned officer, or soldier, shall die, or be killed in the service of the United States, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the department of war; which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment, or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to their respective representatives.

Article 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay, or hire, in the service of the artillery, or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Article 97. The officers and soldiers, of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times and in all places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces, save only that such courts martial shall be composed entirely of militia officers.

Article 98. All officers, serving by commission from the authority of any particular state, shall, on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank, next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States.

Article 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

Article 100. The President of the United States shall have power to prescribe the uniform of the army.

Article 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop, or company, mustered or to be mustered in the service of the United States, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be in said service.

Sec. 2. And be it further enacted, That in time of war, all persons not citizens of, or owing allegiance to the United States of America, who shall be found lurking as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court martial.

Sec. 3. And be it further enacted, That the rules and regulations, by

or administrators.

The effects of non-commissioned officers or soldiers who die or shall be killed to be taken care of.

These articles to govern all officers, &c.

Officers and soldiers of the militia when in service to be governed by these articles.

Rank of militia officers when serving with officers of the army.

Crimes not capital, and all disorders and neglects not mentioned in these articles to be taken cognizance of by court martial. Uniform of the army. Publication of these articles once in six months.

Persons lurking about fortifications as spies.

Rules and regulations, formerly in force, abolished.

which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them, prior to the promulgation of this act, at the several posts and garrisons respectively, occupied by any part of the army of the United States.

APPROVED, April 10, 1806.

STATUTE I.

April 10, 1806.

CHAP. XXI.—*An Act relating to bonds given by Marshals.*(a)

Bond of the marshal shall be

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bond heretofore

(a) By the 27th section of the act of September 24, 1789, chap. 20, vol. i. 87, the appointment of a marshal in each district, is provided for, and his duties and powers regulated.

The decisions of the courts of the United States as to the duties, powers, and liabilities of Marshals are:—

The marshal may have an attachment to enforce the payment of his fees of office, against suitors in the court; so also against the endorser on the writ, who by the *lex loci*, is liable to respond for costs. Anonymous, 2 Gallis. C. C. R. 101.

The marshal is entitled to his full commissions according to the act of 1799, chap. 19, upon all interlocutory sales of prize property. The act of 27th January, 1813, applies only to sales after final condemnation. The Avery, 2 Gallis. C. C. R. 308.

It is the duty of the marshal, upon all interlocutory sales, to bring the proceeds into court, with a regular account of the sales. *Ibid.*

The marshal is entitled to commissions upon prize property, removed from his district, by consent of parties, and there sold. The San Jose Indiana, 2 Gallis. C. C. R. 311.

After a rule on the marshal to return the *causas ad satisfaciendum* issued against the defendants, on the return of the marshal that the plaintiff had directed him not to serve the writ on one defendant, and that the other could not be found, the court have nothing more to do with the rule. If the marshal has misconducted himself, the remedy is an action for a false return. Segourney v. Ingraham et al., 2 Wash. C. C. R. 336.

Where an individual, acting in pursuance of what he conceives a just claim to property, proceeds by legal process to enforce it, and causes a levy to be made on property which is claimed by another, without abusing or perverting its true object, there is and ought to be a very different rule for damages, from the case in which vindictive damages may be allowed, if after a due course of legal investigation, his case is not well founded. Where the defendant had acted as the marshal of the United States, in the execution of his duties as a public officer, and had made a levy, but had done nothing out of the strictest line of duty, the circuit court instructed the jury to allow compensation for the injury sustained, and nothing more. Pacific Ins. Co. v. Conard, Baldwin's C. C. R. 143.

It has long been settled that a jury ought not in any case to find exemplary damages against a public officer, acting in obedience to orders from the government, without any circumstances of aggravation, if he violates the law in making a seizure of property. *Ibid.*

A marshal is not removed by the appointment of a new one, until he receives notice of such appointment; all acts done by the old marshal after the appointment of a new one, before notice, are good; but his acts subsequent to notice are void. Wallace's C. C. R. 119.

If a debtor, committed to the state jail under process from the courts of the United States, escape, the marshal is not liable. Randolph v. Donaldson, 9 Cranch, 76; 3 Cond. Rep. 280.

The act of Congress has limited the responsibility of the marshal to his own acts and the acts of his deputies. The keeper of a state jail is, neither in fact nor in law, the deputy of the marshal; he is not appointed by, nor removable at the will of the marshal. When a prisoner is regularly committed to a state jail by the marshal, he is no longer in the custody of the marshal, or controllable by him. *Ibid.*

If a marshal, before the date of his official bond, receive, upon an execution, money due to the United States, with orders from the comptroller to pay it into the Bank of the United States, which he neglects to do, the sureties in his official bond, executed afterwards, are not liable therefor upon the bond; although the money remain in the marshal's hands after the execution of the bond. The United States v. Giles and others, 9 Cranch, 212; 3 Cond. Rep. 377.

Query. Whether the sureties in a marshal's bond conditioned for the faithful execution of his duty, "during his continuance in the said office," are liable for money received by him after his removal from office, upon an execution which remained in his hands at the time of such removal? *Ibid.*

The comptroller of the treasury has a right to direct the marshal to whom he shall pay money received upon executions, and a payment according to such directions is good; and it seems he may avail himself of it upon the trial without having submitted it as a claim to the accounting officers of the treasury. *Ibid.*

It is the duty of the marshal of a court of the United States, to execute all process which may be placed in his hands; but he performs this duty at his peril, and under the guidance of law. He must, of course, exercise some judgment in the performance. Should he fail to obey the exigent of the writ without a legal excuse, or should he in its letter violate the rights of others, he is liable to the action of the injured party. Life and Fire Ins. Co. of New York v. Adams, 9 Peters, 573.

The marshal makes distribution of proceeds of prize sales in his hands, at his peril; and on his mispayment a libel lies against him. For safety the marshal should obtain the order of the court, which ought not to be made without previous measures guarding against fraud, and providing for latent claims. Keene et al. v. The Gloucester, 2 Dallas, 36.

given, or which may hereafter be given by the marshal of any district, for the faithful performance of the duties of his office, shall be filed and recorded in the office of the clerk of the district court or circuit court, sitting within the district for which such marshal shall have been appointed, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice.

SEC. 2. *And be it further enacted*, That it shall be lawful, in case of the breach of the condition of any such bond, for any person, persons, or body politic, thereby injured, to institute a suit upon such bond, in the name and for the sole use of such party, and thereupon to recover

filed in the office of the clerk of the court, &c.

Suits may be instituted on the breach of the condition of the bond, &c.

The marshal is bound to serve a subpoena in chancery as soon as he reasonably can; and he will, in case of neglect, be answerable to the complainant, who may have sustained a loss in consequence of his neglect. *Kennedy v. Brent*, 6 Cranch, 187; 2 Cond. Rep. 345.

The court will not dictate to the marshal what return he shall make to process in his hands; he must return it at his peril; and any person injured by it, may have his legal remedy for the return. *Wortman v. Conyngnam*, Peters' C. C. R. 241.

The return of the marshal to a writ, cannot be traversed in an action between the parties to the suit in which the writ issued. *Wilson v. The Executor of Hurst, Peters' C. C. R. 441.*

An officer of the United States, who has levied a sum of money on an execution in favour of the United States, to whom the United States are indebted for fees of office in a sum greater than the amount of the execution, has a right to retain it by way of set-off; and on a motion made on the part of the United States to commit the officer for failure to pay over the money so levied, he will be permitted to show that the United States are indebted to him: and if this be shown, it is sufficient cause why he should not be attached. *United States v. Mann*, 2 Brockenb. C. C. R. 9.

A marshal is liable upon his official bond, for the failure of his deputy to serve original process; but the measure of his liability is the extent of the injury received by the plaintiff, produced by such negligence. If the loss of the debt be the direct legal consequence of the failure to serve the process, the amount of the debt is the measure of damage; but the mere failure to execute the process, does not, in itself, necessarily infer the loss of the debt to the plaintiff, by the negligence of the officer, because the plaintiff might sue out other process, on the failure of the officer to execute the first process. The question, whether the loss of the debt was or was not the direct legal consequence of the negligence of the officer, is a question of fact, depending on circumstances, of which the jury must judge. *United States v. Moore's Administrators*, 2 Brockenb. C. C. R. 317.

Where a writ of *capias ad respondendum*, comes to the hands of a deputy marshal, who arrests the debtor, and the debtor thereupon pays to the deputy the amount of the debt for which he was sued, and the officer discharges the debtor from custody, and returns the writ, "debt and costs satisfied," this is not an official act which binds his principal. The deputy marshal is a mere ministerial officer, and he has no right to adjust the debt, and make himself responsible to the plaintiff. He is bound to pursue the mandate of the writ, and that requires him to arrest the debtor, and take bail. The discharge of the debtor from custody, without taking bail, is indeed a misfeasance in office, for which his principal, the marshal, is responsible; but he is only responsible for the injury done to the plaintiff. The return of the deputy, shows that no bail was taken; and if by taking out other process, the plaintiff could have secured his debt, which is a fact to be determined by the jury; the loss of the debt to the plaintiff, is not the necessary legal consequence of the conduct of the deputy, and no injury, in a legal sense, is done to the plaintiff thereby. *Ibid.*

Where a decree directs an officer of the court to sell property, "and bring the proceeds of sale into court," and the sale is on a credit of one, two, and three years, and bonds are given for the payment of the instalments, these bonds are the immediate proceeds of sale. As a matter of convenience, they may be permitted to remain in the hands of the officer; but as matter of strict right, the creditor may require that they shall be brought into court. *Wallis v. Thornton's Administrators et al.* 2 Brockenb. C. C. R. 422.

Where bonds are made payable to the marshal of a court, he has a right to collect them. In such case, the marshal must be considered as a trustee for the creditor. *Query*. Whether the direction to take bond implies, that it shall be taken to the marshal, rather than to the creditor? Where bonds are taken, not to the marshal and his successors, but to J. P., marshal, &c., his executors, administrators, and assigns, could his successor, in the event of the marshal being changed before the money is paid, act on these bonds without an assignment? *Ibid.*

By the 69th section of the collection act of 1799, ch. 22, the goods or merchandise seized under that act, are to be put into custody of the collector, or such other persons as he may appoint for that purpose, no longer than until the proper proceedings are instituted under the 89th section of the same act, to ascertain whether they are forfeited or not; and as soon as the marshal seizes the goods under the proper process of the court, the marshal is entitled to the sole and exclusive custody thereof, subject to the future orders of the court. *Ex parte Jesse Hoyt*, Collector of the Port of New York, 13 Peters, 279.

By the statute of Indiana, the marshal on a replevy bond is required to take one or more sufficient freehold securities, and if freehold security be not taken, the marshal is liable. *Bispham v. Taylor*, 2 McLean's C. C. R. 355.

If the sureties be not freeholders, however ample at the time they may have been considered, the marshal is liable. In this respect the statute must be pursued. *Ibid.*

To examine the county records, is not an unreasonable duty on the marshal. *Ibid.*

Where the marshal takes insufficient bail for the appearance of a defendant, he is only answerable for the actual injury sustained by the plaintiff. In such a case the insolvency of the defendant may be shown in mitigation of damages. *Ibid.*

But where a judgment is replevied, good freehold security must be taken for the payment of the judgment. If insufficient security be taken, the marshal is liable. *Ibid.*

Executions
may issue on
judgments, &c.

Bonds to re-
main as a secu-
rity on judg-
ments rendered,
&c.

Within what
period suits are
to be commen-
ced, &c.

Saving of the
rights of infants,
&c.

such damages, as shall be legally assessed, with costs of suit; for which execution may issue for such party in due form, and in case such party shall fail to recover in the suit, judgment shall be rendered and execution may issue for costs in favour of the defendant or defendants against the party who shall have instituted the suit; and the United States shall in no case be liable for the same.

SEC. 3. *And be it further enacted*, That the said bonds shall, after any judgment or judgments rendered thereon, remain as a security, for the benefit of any person, persons, or body politic, injured by breach of the condition of the same, until the whole penalty shall have been recovered; and the proceedings shall be always in the same manner, and as herein before directed.

SEC. 4. *And be it further enacted*, That all suits on marshals' bonds, if the right of action has already accrued, shall be commenced and prosecuted within three years after the passage of this act, and not afterwards. And all such suits, in case the right of action shall accrue hereafter, shall be commenced and prosecuted within six years after the said right of action shall have accrued, and not afterwards; saving, nevertheless, the rights of infants, *feme covert*s, and persons *non compos mentis*, so that they sue within three years after their disabilities are removed.

APPROVED, April 10, 1806.

STATUTE I.

April 10, 1806.

CHAP. XXII.—*An Act regulating the currency of foreign coins in the United States.*(a)

Foreign gold
and silver coins
to be current in
the U. S. at the
following rates:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, foreign gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, viz:

Coins and rates.

The gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents, for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain, and the dominions of Spain, of their present standard, at the rate of one hundred cents, for every twenty-seven grains and two-fifths of a grain, of the actual weight thereof. Spanish milled dollars, at the rate of one hundred cents for each, the actual weight whereof shall not be less than seventeen pennyweights and seven grains, and in proportion for the parts of a dollar. Crowns of France at the rate of one hundred and ten cents, for each crown, the actual weight whereof shall not be less than eighteen pennyweights and seventeen grains, and in proportion for the parts of a crown. And it shall be the duty of the Secretary of the Treasury, to cause assays of the foreign gold and silver coins made current by this act, to be had at the mint of the United States, at least once in every year, and to make report of the result thereof to Congress, for the purpose of enabling them to make such alterations in this act, as may become requisite, from the real standard value of such foreign coins. And it shall be the duty of the Secretary of the Treasury, to cause assays of the foreign gold and silver coins of the description made current by this act, which shall issue subsequently to the passage of this act, and shall circulate in the United States, at the mint aforesaid, at least once in every year, and to make report of the result thereof to Congress, for the purpose of enabling Congress to make such coins current, if they shall deem the same to be proper, at their real standard value.

Secretary of
the Treasury to
cause assays of
the foreign
coins, &c. to be
had at the mint,
&c. and to make
report of the
result to Con-
gress.

(a) See act of August 4, 1790, sec. 39, vol. i. 167.

An act relative to the rix dollar of Denmark, March 3, 1791, chap. 19, vol. i. 215.

An act regulating foreign coins, and for other purposes, February 9, 1793, vol. i. 300.

An act supplementary to "an act regulating foreign coins, and for other purposes," February 1, 1798, chap. 11, vol. i. 539.

An act to regulate the duties on imports and tonnage, March 2, 1799, chap. 22, sec. 61, vol. i. 673.

SEC. 2. *And be it further enacted*, That the first section of the act, intituled "An act regulating foreign coins, and for other purposes," passed the ninth day of February, one thousand seven hundred and ninety-three, be, and the same is hereby repealed. And the operation of the second section of the same act shall be, and is hereby suspended for, and during the space of, three years from the passage of this act.

APPROVED, April 10, 1806.

Part of a former section repealed.

Vol. i. 300.

Operation of the other section suspended.

STATUTE I.

CHAP. XXIII.—*An Act to regulate and fix the compensations of the officers of the Senate and House of Representatives.*

April 10, 1806.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers of the Senate and House of Representatives herein after mentioned, shall be, and hereby are entitled to receive, in lieu of their compensations fixed by law, the following sums, that is to say: The secretary of the Senate, and clerk of the House of Representatives, two thousand dollars each; their principal clerks, one thousand three hundred dollars each; and each of their engrossing clerks, one thousand dollars per annum.

Compensations.

SEC. 2. *And be it further enacted*, That the sergeant at arms of the Senate, who also performs the duty of a doorkeeper, the sergeant at arms, and the doorkeeper of the House of Representatives, shall be, and they are hereby entitled to receive, nine hundred and fifty dollars per annum, each; and that the assistant doorkeeper of the Senate, and the assistant doorkeeper of the House of Representatives, shall be, and they are hereby entitled to receive nine hundred dollars, per annum, each.

Compensations to the sergeants at arms of the Senate and House of Representatives.

SEC. 3. *And be it further enacted*, That any appropriation which shall be made by the Senate, or House of Representatives, out of the contingent fund of either house, towards the compensation of any of the officers of the Senate, or House of Representatives, shall be taken and considered as a part of the salary allowed by this act.

Appropriations out of the contingent fund of either house, to be taken as part of the salary.

SEC. 4. *And be it further enacted*, That the compensations provided for in this act, shall commence and take effect from and after the thirty-first day of March, one thousand eight hundred and six.

Time at which the compensations are to commence.

SEC. 5. *And be it further enacted*, That the act intituled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," passed on the twenty-ninth of April, one thousand eight hundred and two, shall, from and after the thirty-first of March, one thousand eight hundred and six, be, and the same is hereby repealed.

Repeal of a former act.
Act of April 29, 1802, ch. 33.

APPROVED, April 10, 1806.

STATUTE I.

CHAP. XXIV.—*An Act directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed.*

April 10, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby directed, to cause the coast of North Carolina to be correctly surveyed, between Cape Hatteras and Cape Fear; together with the shoals lying off and between these respective capes, or head lands, and to report at the next session of Congress on the practicability of erecting a lighthouse, lighted beacon or buoy, on or near the extreme point of these shoals, or either of them. And the sum of five thousand dollars is hereby appropriated for the purpose of defraying any expense which may be incurred in making such survey, to be paid out of any money in the treasury, not otherwise appropriated.

Secretary of the Treasury to cause the coast of N. Carolina to be surveyed, to report to Congress on the practicability of erecting a lighthouse.

Appropriation.

APPROVED, April 10, 1806.

STATUTE I.

April 10, 1806.

CHAP. XXV.—*An Act to provide for persons who were disabled by known wounds received in the Revolutionary war.*

Act of April 25, 1812, ch. 19.

Act of March 18, 1818, ch. 18.

Act of March 3, 1819, ch. 58.

Who are to be placed on the pension list.

Officers, soldiers, marines or seamen who did not desert, or resigned from disabilities which render them incapable to procure a subsistence by manual labour, to be placed on the pension list.

See note to act of April 25, 1812, ch. 59.

Rules and regulations for substantiating claims to a pension.

Evidence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any commissioned or non-commissioned officer, musician, soldier, marine or seaman, disabled in the actual service of the United States, while in the line of his duty, by known wounds received during the revolutionary war, and who did not desert the service; or who, in consequence of disability as aforesaid, resigned his commission or took a discharge; or who, after incurring disability as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole, until the close of said revolutionary war; or who, in consequence of known wounds received as aforesaid, has at any period since, become and continued disabled in such manner as to render him unable to procure a subsistence by manual labour; whether such officer, musician, soldier, marine or seaman, served as a volunteer, in any proper service against the common enemy, or belonged to a detachment of the militia, which served against the common enemy, or to the regular forces of the United States, or of any particular state, he shall, upon substantiating his claim, in the manner herein after described, be placed on the pension list of the United States, during life, or the continuance of such disability, and be entitled, under the regulations herein after mentioned, to receive such sum as shall be found just and proper, by the testimony adduced.

SEC. 2. *And be it further enacted,* That in substantiating such claim, the following rules and regulations shall be complied with, that is to say: All evidence shall be taken on oath or affirmation, before the judge of the district, or one of the judges of the territory in which such claimant resides, or before some person specially authorized by commission from said judge.

Decisive disability, the effect of a known wound or wounds, received while in the actual service and line of duty against the common enemy, during the revolutionary war, must be proved by the affidavit of the commanding officer of the regiment, corps, company, ship, vessel, or craft, in which such claimant served; or of two other credible witnesses to the same effect, setting forth the time when, and place where, such known wound or wounds were received; and particularly describing the same.

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon, stating his opinion either from his own knowledge and acquaintance with the claimant, or from an examination of such claimant on oath or affirmation; which when necessary for that purpose, shall be administered to said claimant by said judge or commissioner. And the said physician or surgeon, in his affidavit, shall particularly describe the wound or wounds from whence the disability appears to be derived.

Every claimant must prove, by at least one credible witness, that he continued in service during the whole time for which he was detached, or for which he engaged, unless he was discharged, or left the service in consequence of some derangement of the army, or in consequence of his disability resigned his commission; or was after his disability in captivity or on parole, until the close of the revolutionary war. And in the same manner must prove his mode of life and employment since he left the service, and the place or places where he has since resided, and his place of residence, at the time of taking such testimony.

Every claimant shall, by his affidavit, give satisfactory reasons why he did not make application for a pension before, and that he is not on the pension list of any state; and the judge or commissioner shall certify in writing, his opinion of the credibility of the witnesses, whose affidavits

Terms and conditions.

Affidavit of claimant.

he shall take, in all those cases, where by this act it is said the proof shall be made by a credible witness or witnesses. And also, that the examining physician or surgeon is reputable in his profession.

SEC. 3. *And be it further enacted*, That the said judge of the district, or person by him commissioned as aforesaid, shall transmit a list of such claims, accompanied by the evidence, affidavits, certificates, and proceedings had thereon in pursuance of this act, noting particularly the day on which the testimony was closed before him, to the secretary for the department of war, that the same may be compared with muster rolls, or other documents in his office: and the said secretary shall make a statement of all such cases, which, together with all the testimony, he shall from time to time transmit to Congress, with such remarks as he may think proper, that Congress may be enabled to place such claimants on the pension list as shall be found entitled to the privilege. And it shall be the duty of the judge, or commissioner aforesaid, to permit each claimant to take a transcript of the evidence and proceedings had respecting his claim, if he shall desire it, and to certify the same to be correct.

District judge to transmit list of claims, &c. to the Secretary of War.

Secretary of War to make a statement to Congress.

SEC. 4. *And be it further enacted*, That every pension, or increase thereof, by virtue of this act, shall commence on the day when the claimant shall have completed his testimony, before the authority proper to take the same.

Commencement of pensions.

SEC. 5. *And be it further enacted*, That an increase of pension may be allowed to persons, already placed upon the pension list of the United States, for disabilities caused by known wounds received during the revolutionary war, in all cases where justice shall require the same: *Provided*, that the increase, when added to the pension formerly received, shall in no case exceed a full pension.

Increase of pensions to be allowed in certain cases.

Proviso.

Every invalid making application for this purpose, shall be examined by two reputable physicians or surgeons, to be authorized by commission from the judge of the district, where such invalid resides; who shall report in writing, on oath or affirmation, their opinion of the nature of the applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labour, which report shall be transmitted by said physicians or surgeons, to the secretary for the department of war; who shall compare the same with the documents in his office, and shall make a statement of all such cases, which, together with the original report, he shall from time to time transmit to Congress, with such remarks as he may think proper, that they may be enabled to do justice to such pensioners.

Invalids to be examined by physicians authorized by the district judge, who are to report, &c.

Report to be sent to the Secretary of War.

SEC. 6. *And be it further enacted*, That a full pension given by this act to a commissioned officer, shall be one half of the monthly pay legally allowed, at the time of incurring said disability, to his grade in the forces raised by the United States; and the proportions, less than a full pension, shall be the correspondent proportions of said half pay; and a full pension to a non-commissioned officer, musician, soldier, marine, or seaman, shall be five dollars a month, and the proportions less than a full pension, shall be the like proportions of five dollars a month; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant colonel.

Of what sums the pensions are to consist.

SEC. 7. *And be it further enacted*, That the pensions, or increase thereof, which may be allowed by this act, shall be paid in the same manner as pensions to invalids, who have been heretofore placed on the pension list, are now paid, and under such restrictions and regulations, in all respects, as are prescribed by law.

How pensions, &c. are to be paid.

SEC. 8. *And be it further enacted*, That from and after the passage of this act, no sale, transfer, or mortgage of the whole or any part of the pension, payable to any non-commissioned officer, musician, soldier, marine, or seaman, before the same becomes due, shall be valid. And

Transfers of pensions before due, not valid.

Claimants of pensions under powers of attorney, to take an oath that they have not been sold or transferred.

Former laws respecting pensions under disabilities from the war, repealed.

Proviso.

Duration of this act.

Proviso.

every person claiming such pension or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some magistrate, legally authorized to take the same, a copy of which, attested by said magistrate, shall be lodged with the person who pays said pension; that such power or substitution is not given by reason of any transfer of such pension, or part thereof. And any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

SEC. 9. *And be it further enacted*, That all laws of the United States heretofore passed, so far as they authorize persons to be placed on the pension list of the United States, for, and in consequence of, disabilities derived from known wounds received in the revolutionary war, shall be, and they are hereby repealed: *Provided*, that nothing in this repealing clause shall injure, or in any way affect those persons already upon the pension list of the United States; and that the secretary for the department of war shall proceed upon the testimony which has been transmitted to him by any claimant, before the passage of this act, in the same manner as though this act had never passed.

SEC. 10. *And be it further enacted*, That this act, so far as it authorizes the admission of persons upon the pension list of the United States, shall remain in force for and during the space of six years from the passage thereof, and no longer: *Provided*, that this limitation shall not affect or impair the right of any invalid who may have completed his testimony in the manner prescribed by this act before this limitation commences its operation, but which has not been transmitted to the secretary for the department of war.

APPROVED, April 10, 1806.

STATUTE I.

April 15, 1806.

Act of March 21, 1808, ch. 37.

Act of Dec. 19, 1809, ch. 3.

Secretary of War authorized to issue land warrants.

Within what time those warrants may be located.

Surveyor-general to cause surveys to be made of the quarter townships.

CHAP. XXVI.—*An Act to authorize the Secretary of War to issue land warrants; and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to issue military land warrants, to such persons as have or shall, before the first day of March, one thousand eight hundred and eight, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued, and not yet satisfied, shall, and may be located in the names of the holders or proprietors thereof, at any time prior to the first day of October, one thousand eight hundred and eight, on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, reserved by law, for original holders of military land warrants.

SEC. 2. *And be it further enacted*, That it shall be the duty of the surveyor-general, under the direction of the Secretary of the Treasury, to cause to be surveyed so much of the fifty quarter townships, and the fractional quarter townships aforesaid, as have been, or hereafter may be located according to law, in conformity with the locations made on the plats of the said quarter townships: *Provided*, the whole expense of surveying the same shall not exceed three dollars for every mile actually surveyed.

APPROVED, April 15, 1806.

STATUTE I.

April 15, 1806.

Operation of the sixth condi-

CHAP. XXVIII.—*An Act to suspend the sale of certain lands in the state of Ohio, and the Indiana territory.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of the

(a) See note to act of May 18, 1796, chap. 30, vol. i. 464.

sixth condition of the fifth section of the act, intituled "An act to amend the act, intituled An act providing for the sale of the lands of the United States northwest of the Ohio, and above the mouth of Kentucky river," be, and the same is hereby suspended until the first day of October next, in favour of such purchasers of lands under the said act, who shall exhibit satisfactory proof to the register and receiver of public monies in the respective districts where they reside, that they were actual settlers on the land so purchased, at the time of passing this act.

APPROVED, April 15, 1806.

tion of the 5th section in a former act suspended.

1800, ch. 55.

In favour of actual settlers.

STATUTE I.

CHAP. XXIX.—*An Act to prohibit the importation of certain goods, wares and merchandise.*

April 18, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the fifteenth day of November next, it shall not be lawful to import into the United States, or the territories thereof, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, any goods, wares or merchandise, of the following description, that is to say:

All articles of which leather is the material of chief value.

All articles of which silk is the material of chief value.

All articles of which hemp or flax is the material of chief value.

All articles of which tin or brass is the material of chief value, tin in sheets excepted; woollen cloths whose invoice prices shall exceed five shillings sterling per square yard; woollen hosiery of all kinds; window glass, and all other manufactures of glass; silver and plated wares; paper of every description; nails and spikes; hats; clothing ready made; millinery of all kinds; playing cards; beer, ale and porter; and pictures and prints.

Nor shall it be lawful to import into the United States, or the territories thereof, from any foreign port or place whatever, any of the above-mentioned goods, wares or merchandise, being of the growth, produce or manufacture of Great Britain or Ireland, or any of the colonies or dependencies of Great Britain: *Provided however*, that no articles which shall within fifteen months after the passing of this act, be imported from any place beyond the Cape of Good Hope, on board any vessel cleared out before the passing of this act, from any port within the United States or the territories thereof, for the said Cape of Good Hope, or any place beyond the same, shall be subject to the prohibition aforesaid.

SEC. 2. *And be it further enacted*, That whenever any article or articles, the importation of which is prohibited by this act, shall, after the said fifteenth day of November next, be imported into the United States, or the territories thereof, contrary to the true intent and meaning of this act, or shall, after the said fifteenth day of November next, be put on board any ship or vessel, boat, raft or carriage, with intention of importing the same into the United States, or the territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft or carriage, belonging to the owner of such prohibited articles, shall be forfeited, and the owner thereof shall moreover forfeit and pay treble the value of such articles.

SEC. 3. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, shall, after the said fifteenth day of November next, be put on board any ship or vessel, boat, raft or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat, raft or carriage, such ship or vessel, boat, raft or carriage,

Act of March 1, 1809, ch. 24.

Act of June 28, 1809, ch. 9.

Importation of certain articles from G. Britain and its dependencies interdicted.

Articles prohibited.

Being of the produce or manufacture of G. Britain, &c.

Proviso as to goods imported from beyond the Cape of Good Hope.

Prohibited articles if imported into the U. States contrary to this act, to be forfeited, together with all other goods imported in the same vessel, and belonging to the same owner.

The ship or vessel in which such prohibited articles shall be imported or shipped with the knowledge of the owner, to be also forfeited;

and treble the value of the goods to be likewise recovered.

The like penalties as are usual to be incurred in case of the omission of the interdicted goods in the permits or manifests of vessels arriving in the U. States.

Powers of search now confined to the custom-house officers in other cases extended to them in those under this act.

Penalties upon persons buying goods prohibited by this act.

Addition to custom-house oath of the captains or masters of vessels.

Addition to the oath of importers, &c.

Penalties and forfeitures how to be sued for and recovered.
1799, ch. 22.

shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay treble the value of such articles.

SEC. 4. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, and which shall nevertheless be on board any ship or vessel, boat, raft or carriage, arriving after the said fifteenth day of November next, in the United States, or the territories thereof, shall be omitted in the manifest, report or entry of the master, or the person having the charge or command of such ship or vessel, boat, raft or carriage, or shall be omitted in the entry of the goods owned by the owner, or consigned to the consignee of such articles, or shall be imported, or landed, or attempted to be imported or landed, without a permit, the same penalties, fines and forfeitures shall be incurred, and may be recovered, as in the case of similar omission or omissions, landing, importation, or attempt to land or import, in relation to articles liable to duties on their importation into the United States.

SEC. 5. *And be it further enacted*, That every collector, naval officer, surveyor, or other officer of the customs, shall have the like power and authority to seize goods, wares and merchandise imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited, or not, and to enter any ship or vessel, dwelling-house, store, building or other place, for the purpose of searching for and seizing any such goods, wares and merchandise, which he or they now have by law, in relation to goods, wares and merchandise subject to duty; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares and merchandise so concealed or purchased.

SEC. 6. *And be it further enacted*, That the following additions shall be inserted to the oath or affirmation taken by the masters or persons having the charge or command of any ship or vessel arriving at any port of the United States, or the territories thereof, after the said fifteenth day of November next, viz: "I further swear (or affirm) that there are not to the best of my knowledge and belief on board (insert the denomination and name of the vessel) any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law. And I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise on board the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district."

SEC. 7. *And be it further enacted*, That the following addition be inserted after the said fifteenth day of November next, to the oath or affirmation taken by importers, consignees or agents, at the time of entering goods imported into the United States, or the territories thereof, viz: "I also swear (or affirm) that there are not to the best of my knowledge and belief amongst the said goods, wares and merchandise imported or consigned as aforesaid, any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law. And I do further swear (or affirm) that if I shall hereafter discover any such goods, wares or merchandise, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, I will immediately, and without delay, report the same to the collector of this district."

SEC. 8. *And be it further enacted*, That all penalties and forfeitures arising under this act may be sued for and recovered, and shall be distributed and accounted for in the manner prescribed by the act, intitled "An act to regulate the collection of duties on imports and tonnage:"

and such penalties and forfeitures may be examined, mitigated or remitted in like manner, and under the like conditions, regulations and restrictions as are prescribed, authorized and directed by the act, intitled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned."

APPROVED, April 18, 1806.

1797, ch. 13.

STATUTE I.

CHAP. XXX.—*An Act supplementary to the act making provision for the payment of claims of citizens of the United States on the government of France.*

April 18, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall cause to be paid, at the treasury of the United States, the amount of certain claims of citizens of the United States against the government of France, arising from the Bordeaux embargo, in conformity with a certified list of liquidations, attested by the minister of the public treasury of France, and transmitted by the minister plenipotentiary of the United States, at Paris, to the said secretary; which payments shall be made for such sums, respectively, as are stated in the above-mentioned list of liquidations, to such persons, respectively, as the accounting officers of the treasury shall determine to be rightfully entitled to the same, and out of the monies heretofore appropriated for the purpose of discharging the claims of citizens of the United States against the government of France, the payment of which was assumed by the government of the United States, by virtue of the convention of the thirtieth of April, one thousand eight hundred and three.

APPROVED, April 18, 1806.

Claims of citizens of the U. States under the Bordeaux embargo to be paid at the treasury.

STATUTE I.

CHAP. XXXI.—*An Act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.*(a)

April 18, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defining the limits of the vacant and unappropriated lands in the state of Tennessee, hereafter to be subject to the sole and entire disposition of the United States, the following line be, and hereby is established, to wit: beginning at the place where the eastern or main branch of Elk river shall intersect the southern boundary line of the state of Tennessee; from thence running due north, until said line shall intersect the northern or main branch of Duck river; thence down the waters of Duck river, to the military boundary line, as established by the seventh section of an act of the state of North Carolina, intituled "An act for the relief of the officers and soldiers of the continental line, and for other purposes;" (passed in the year one thousand seven hundred and eighty-three) thence with the military boundary line, west to the place where it intersects the Tennessee river; thence down the waters of the river Tennessee, to the place where the same intersects the northern boundary line of the state of Tennessee.

A line established for defining the limits of the vacant lands of the U. S. in Tennessee.

Courses thereof.

(a) The state of North Carolina, by her act of cession of the western lands, of 1789, recited in the act of Congress of April 2, 1790, chap. 6, vol. i. page 106, accepting that cession, and by her act of 1803, chap. 3, ceding to Tennessee the right to issue grants, has parted with her right to issue grants for lands within the state of Tennessee, upon entries made before the cession. *Burton's lessee v. Williams*, et al., 3 Wheat. 529; 4 Cond. Rep. 315.

Under the cession act, ratified by the act of Congress, the United States held the domain of the vacant lands in Tennessee, subject to the right which North Carolina retained, of perfecting the inchoate titles created under her laws. *Ibid.*

But it seems that the holder of such a grant must resort to the equity jurisdiction of the United States for relief. *Ibid.*

After the cession of land by North Carolina to the United States, the former had no right to grant those lands to any grantee who had not an incipient title before the cession. *Polk's lessee v. Wendall*, 9 Cranch, 87; 3 Cond. Rep. 286.

Upon relinquishment of the claim of Tennessee to certain lands.

The U. S. to cede to that state certain other lands.

Certain entries, &c. to be located within the territory ceded to the state of Tennessee.

Lands to be appropriated by the state of Tennessee for the support of seminaries and schools of learning.

SEC. 2. *And be it further enacted*, That upon the senators and representatives from the state of Tennessee, by an instrument signed and sealed by them respectively, making known, that in pursuance of the power in them vested, by an act of the general assembly of the state of Tennessee, intituled "An act to appoint agents to settle the dispute between this state and the United States, relative to the vacant and unappropriated lands within this state, and to procure the relinquishment of the claim of the United States to the same," and by a resolution of the senate and house of representatives of the said state of Tennessee, passed in the year one thousand eight hundred and two, as instructions therein; they do, for, and in behalf of the state of Tennessee, and in consideration of the provisions made in this act, agree and declare, that all right, title, and claim, which the state of Tennessee hath to the lands lying west and south of the line, herein before established within the limits of the state of Tennessee, shall thereafter for ever cease; and that the lands aforesaid shall be and remain at the sole and entire disposition of the United States, and shall be exempted from every disposition or tax made by order, or under the authority of the state of Tennessee, while the same shall remain the property of the United States, and for the term of five years after the same shall be sold; which said instrument shall be approved by the Senate of the United States, and entered at large in their journal, and deposited in the office of the Secretary of State. The United States do thereupon cede and convey to the state of Tennessee, all right, title and claim, which the United States have to the territory of the lands lying east and north of the line herein before established, within the limits of the state of Tennessee, subject to the same conditions as are contained in the act of the general assembly of the state of North Carolina, intituled "An act for the purpose of ceding to the United States of America, certain western lands therein described." And the said state of Tennessee shall thereupon have as full power and authority to issue grants and perfect titles of all lands lying east and north of the before described line, within the limits of the said state, as Congress now have, or the state of Tennessee might have, by virtue of an act of the state of North Carolina, intituled "An act to authorize the state of Tennessee to perfect titles to lands reserved to this state by the cession act," to which said act the assent of Congress is hereby given, so far as is necessary to carry into effect the objects of this compact; subject nevertheless to the following express conditions: that is to say,

FIRST. That all entries of lands, rights of location, and warrants of surveys, and all interfering locations, which might be removed by the aforesaid act of cession of the state of North Carolina, and which are good and valid in law, and which were not actually located west and south of the herein before described line, before the twenty-fifth day of February, one thousand seven hundred and ninety, and all interfering grants which are good and valid in law, and which have been located east and north of the said line, shall be located, and the titles thereto perfected, within the territory hereby ceded to the state of Tennessee.

SECONDLY. That the state of Tennessee shall appropriate one hundred thousand acres, which shall be located in one entire tract, within the limits of the lands reserved to the Cherokee Indians, by an act of the state of North Carolina, intituled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three; and shall be for the use of two colleges, one in East, and one in West Tennessee, to be established by the legislature thereof. And one hundred thousand acres in one tract within the limits last aforesaid, for the use of academies; one in each county in said state to be established by the legislature thereof; which said several tracts

shall be located on lands to which the Indian title has been extinguished, and subject to the disposition of the legislature of the state, but shall not be granted or sold for less than two dollars per acre, and the proceeds of the sales of the lands aforesaid, shall be vested in funds for the respective uses aforesaid, for ever. And the state of Tennessee shall moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six miles square in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children for ever: *Provided*, that nothing contained in this act shall be construed to affect the Indian title, or to subject the United States to the expense of extinguishing the same. *And provided also*, that the lowest price of all lands granted or sold within the ceded territory, shall be the same, as shall be established by Congress for the lands of the United States: *And provided nevertheless*, that the people residing in said state, south of French Broad and Holston, and west of Big Pigeon rivers, provided for by the constitution of the state of Tennessee, shall be secured in their respective rights of occupancy and pre-emption, and shall receive titles for such quantities as they may respectively claim, including their improvements, not exceeding six hundred and forty acres each, nor exceeding the quantities they have heretofore claimed respectively, according to their conditional lines, where such have been established, at a price not less than one dollar per acre. *And provided further*, that nothing herein contained shall be construed to enable any person or persons, until authorized by the legislature of the state of Tennessee, to locate any warrant issued under the authority of the state of North Carolina, within the limits of the lands reserved to the Cherokee Indians, by the fifth section of the act of said state, intitled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three.

SEC. 3. *And be it further enacted*, That if the territory herein before ceded to the state of Tennessee, shall not contain a sufficient quantity of land fit for cultivation, according to the true intent and meaning of the original act of cession, including the lands within the limits reserved by the state of North Carolina, to the Cherokee Indians, to perfect all existing legal claims charged thereon by the conditions contained in this act of cession, Congress will hereafter provide by law for perfecting such as cannot be located in the territory aforesaid, out of the lands lying west or south of the before described line.

APPROVED, April 18, 1806.

Nothing in this act to affect the Indian title.

Prices of the land.

Proviso.

Proviso, that this act shall not affect titles under the laws of North Carolina and Tennessee.

If the territory hereby ceded to the state of Tennessee falls short, the deficiency to be made up elsewhere.

STATUTE I.

April 18, 1806.

[Expired.]

President authorized to call upon the executives of the several states to have their proportions of militia ready for immediate service.

Apportionment how to be made.

1808, ch. 39. President may authorize the acceptance of volunteer corps.

CHAP. XXXII.—*An Act authorizing a detachment from the Militia of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, at such time as he shall deem necessary, to require of the executives of the several states, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included; to be apportioned by the President of the United States, by the militia returns of the last year, in cases where such returns were made, and in cases where such returns were not made the last year, by such other data as he shall judge equitable.

SEC. 2. *And be it further enacted*, That the President may, if he shall judge it expedient, authorize the executives of the several states, to accept, as part of the said detachment, any corps of volunteers, who shall

engage to continue in service six months after they arrive at the place of rendezvous.

How the militia are to be officered.

President apportioning the general officers. Length of time which the militia may be compelled to serve.

Their pay, &c.

President may call into service any proportion of the detachment.

Appropriation.

Act of March 3, 1803, ch. 32, repealed.

1812, ch. 55. Commencement and duration of this act.

SEC. 3. *And be it further enacted*, That the detachment of militia and volunteers aforesaid, shall be officered out of the present militia officers, or others, at the option and direction of the constitutional authority in each state, respectively; the President of the United States apportioning the general officers among the respective states as he may deem proper.

SEC. 4. *And be it further enacted*, That the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous: and that during the time of their service, they shall be entitled to the same pay, rations and allowance for clothing, that are established by law, as the pay, rations and allowance for clothing of the army of the United States.

SEC. 5. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to call into actual service any part, or the whole of the said detachment, when he shall judge the exigencies of the United States require it; if a part of the said detachment only shall be called into actual service, they shall be taken from such part thereof as the President in his discretion shall deem most proper.

SEC. 6. *And be it further enacted*, That two millions of dollars be, and are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the pay and subsistence of such part of the said detachment as may be called into service.

SEC. 7. *And be it further enacted*, That an act, intituled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," approved the third of March, one thousand eight hundred and three, be, and the same is hereby repealed.

SEC. 8. *And be it further enacted*, That this act shall continue, and be in force for the term of two years from the passing thereof, and no longer.

APPROVED, April 18, 1806.

STATUTE I.

April 18, 1806.

CHAP. XXXIII.—*An Act making appropriations for the support of Government for the year one thousand eight hundred and six.*

Objects of appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list, in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for the defraying the expenses of surveying the public lands, in the territories of Indiana and Mississippi; and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred thousand five hundred and eighty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, thirty-two thousand dollars.

For all contingent expenses of the library, and librarian's allowance for the year one thousand eight hundred and six, four hundred and fifty dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, including the sum of twelve hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, twelve thousand five hundred and sixty dollars.

Specific appropriations.

1799, ch. 40.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

For printing and distributing copies of the laws of the first session of the ninth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with despatches, two thousand dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including those engaged on the business belonging to the late office of the commissioner of the revenue, twelve thousand three hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars and eight cents.

For expense of stationery, printing, and incidental and contingent expenses of the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty dollars and ninety-three cents.

For expense of stationery, printing, and incidental and contingent expenses in the office of the auditor of the treasury, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars.

For expense of stationery and printing in the register's office, (including books for the public stock and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the secretary of the commissioners of the sink fund, two hundred and fifty dollars.

For compensation to the clerks employed for the purpose of making drafts of the several surveys of land in the territory of the United States, northwest of the river Ohio, and in keeping the books of the treasury in relation to the sales of lands at the several land-offices, three thousand four hundred dollars.

For fuel and other contingent expenses of the treasury department, four thousand dollars.

For defraying the expenses incident to the stating and printing the public accounts for the year one thousand eight hundred and six, one thousand two hundred dollars.

For purchasing books, maps and charts, for the use of the treasury department, four hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury, during the year one thousand eight hundred and six, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand five hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

Specific appropriations.

For expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to clerks employed in the paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

1799, ch. 40. For compensation to the purveyor of public supplies, clerks and persons employed in his office, including a sum of twelve hundred dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second day of March, one thousand seven hundred and ninety-nine, and for expense of stationery, store rent, and fuel, for the said office, four thousand six hundred dollars.

For expenses incidental to the removal of the purveyor's office to Germantown, during the prevalence of the yellow fever in Philadelphia, in the year one thousand eight hundred and five, one hundred dollars.

1799, ch. 40. For compensation to the Secretary of the Navy, clerks and persons employed in his office, including the sum of seven hundred dollars, in addition to the sum of four thousand two hundred dollars, allowed by the act of the second of March, one thousand seven hundred and ninety-nine, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand dollars.

1799, ch. 40. For compensation to the accountant of the navy, clerks and persons employed in his office, including the sum of one thousand one hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, seven hundred and fifty dollars.

1799, ch. 40. For compensation to the Postmaster-General, assistant Postmaster-General, clerks, and persons employed in the Postmaster-General's office, including a sum of four thousand five hundred and ninety-five dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, thirteen thousand nine hundred and fifty-five dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. exclusive of expenses of prosecution, portmanteaus, mail locks, and other expenses incident to the department, these being paid for by the Postmaster-General, out of the funds of the office, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For expenses incurred by removal of the loan office from New York, during the prevalence of the epidemic fever in the year one thousand eight hundred and five, one hundred dollars.

For expenses incurred by removal of the loan office from Philadelphia, during the prevalence of the epidemic fever, in the year one thousand eight hundred and five, one hundred dollars.

For compensation to the clerks of the several commissioners of loans, and an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, thirteen thousand dollars.

For defraying the expense of clerk hire in the office of the commissioner of loans of the state of Pennsylvania, in consequence of the

removal of the offices of the treasury department, in the year one thousand eight hundred, to the permanent seat of government, two thousand dollars. Specific appropriations.

For compensation to the surveyor-general, and the clerks employed by him, and for expense of stationery and other contingencies of the surveyor-general's office, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of the state of Tennessee, clerks employed in his office, stationery and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the mint :

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars.

And two at five hundred dollars each.

For the wages of persons employed in the different branches of melting, coining, carpenter's, mill-wright's, and smith's work, including the sum of eight hundred dollars, per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, six thousand two hundred dollars.

For the repairs of furnaces, cost of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, four thousand two hundred dollars.

For compensation to the governor, judges, and secretary of the territory of Orleans, including the sum of two thousand seven hundred and fifty dollars, for the salaries from the first of October to the thirty-first of December, one thousand eight hundred and four, fifteen thousand seven hundred and fifty dollars.

For incidental and contingent expenses of the executive offices of the said territory, including the sum of eight hundred and fifty dollars, a deficiency in the appropriation for one thousand eight hundred and five, and for express hire, and compensation of an Indian interpreter, three thousand seven hundred dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, five thousand nine hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses in the said territory, and to make good a deficiency in the appropriations for the years one thousand eight hundred and four, and one thousand eight hundred and five, five hundred and eighty-two dollars and fifty cents.

For compensation to the governor, judges, and secretary of the Indiana territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Michigan territory, including a deficiency of two thousand five hundred and seventy-five dollars, in the appropriation for the year one thousand eight hundred and five, for the support of the said government, seven thousand seven hundred and twenty-five dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, including the sum of six hundred and forty dollars, to defray similar expenses and others attending the organization of the government in the year one thousand eight hundred and five, nine hundred and ninety dollars.

For compensation to the governor, judges, and secretary of the Louisiana territory, including a deficiency of two thousand five hundred and

Specific ap-
propriations.

seventy-five dollars in the appropriation for the year one thousand eight hundred and five, for the support of the said government, seven thousand seven hundred and twenty-five dollars.

For expenses of stationery, office rent and other contingent expenses in the said territory, for the years one thousand eight hundred and five, and one thousand eight hundred and six, five hundred and twenty-five dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

For additional compensation to the clerks of the several departments of state, treasury, war, and navy, and of the general post-office, not exceeding, for each department respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks," eleven thousand eight hundred and eighty-five dollars.

For compensation granted by law to the chief justice, associate judges, and district judges of the United States, including the chief justice, and two associate judges of the district of Columbia; to the attorney general, and to the judge of the district of Orleans, including a deficiency in the appropriation for his compensation in the year one thousand eight hundred and four, fifty-six thousand four hundred dollars.

For the like compensation granted to the several district attorneys of the United States, three thousand four hundred dollars.

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, East and West Tennessee, and Orleans, one thousand six hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred dollars.

For the payment of an annuity granted to the children of the late Colonel John Harding, and Major Alexander Trueman, by an act of Congress, passed the fourteenth of May, one thousand eight hundred, six hundred dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March one thousand eight hundred and six, to the fourth of March one thousand eight hundred and seven, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, and stakeage of channels, bars, and shoals, and certain contingent expenses, eighty-one thousand and eighty-eight dollars and two cents.

For the payment of a commission of two and a half per cent. to the commissioners who superintended the erection of public piers in the river Delaware, four hundred and forty-eight dollars and seventy-one cents.

For fixing buoys in Long Island sound, in addition to the sums heretofore appropriated for that object, one thousand three hundred and forty-two dollars and thirty-four cents.

For expenses of intercourse with foreign nations, thirty-nine thousand and fifty dollars.

For the expenses of the intercourse between the United States and

the Barbary powers, including the compensation of the consuls at the several Barbary powers, forty-nine thousand five hundred dollars.

Specific appropriations.

For the contingent expenses of the intercourse with foreign nations, twenty-six thousand nine hundred and fifty dollars.

For the contingent expenses of intercourse with the Barbary powers, fifty thousand dollars.

For defraying the expense of carrying into effect the sixth article of the British treaty, in addition to the sums heretofore appropriated for that purpose, seven thousand seven hundred and fifty dollars.

Towards completing the surveys of public lands in the state of Ohio, and in the Indiana and Mississippi territories, one hundred and twenty thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement, at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

For defraying the expenses incident to the investigation of claims under the French convention of the thirtieth of April, one thousand eight hundred and three, in addition to the sums heretofore appropriated to that purpose, six thousand dollars.

For the relief and protection of distressed American seamen, seven thousand five hundred dollars.

For the salaries of the agents at London, Paris, and Madrid, for prosecuting claims in relation to captures, six thousand dollars.

For the amount admitted at the treasury as due, on the first of January, one thousand seven hundred and ninety-one, to the legal representatives of the late Baron de Beaumarchais, for military stores furnished the United States during the late war, including interest on the same, a sum not exceeding seventy-nine thousand dollars.

For exploring the waters of the country ceded by the convention of the thirtieth of April, one thousand eight hundred and three, and establishing commerce with the Indian tribes inhabiting the same, five thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of monies in the treasury, not otherwise appropriated.

1790, ch. 34.

APPROVED, April 18, 1806.

STATUTE I.

CHAP. XXXIV.—*An Act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase.*

April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to every witness summoned to attend the trial of the impeachment of Samuel Chase, there shall be allowed and paid for every day's attendance upon the said trial the sum of three dollars; and also for mileage at the rate of twelve and an half cents for every mile distance coming to the city of Washington, and returning to the usual place of residence of the witnesses, respectively.

[Obsolete.]
Per diem allowance to the witnesses.

SEC. 2. *And be it further enacted*, That it shall be the duty of the secretary of the Senate to ascertain and certify the amount due to each witness for attendance and mileage; which certificate shall be a sufficient voucher to entitle the witness to receive from the treasury of the United States the amount certified to be due, unless otherwise ordered by the Senate.

Secretary of the Senate to ascertain and certify the amount due to each witness.
This certificate to be a good voucher at the treasury.

SEC. 3. *And be it further enacted*, That the sum of six thousand

Appropriation. dollars be appropriated to defray the expenses to be incurred under the provisions of this act, to be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

CHAP. XXXV.—*An Act in addition to an act, intituled "An act supplementary to the act providing for a naval peace establishment, and for other purposes."*

Second and fourth sections of the act of March 3, 1801, ch. 20, repealed.

President to keep in actual service, in time of peace, as many frigates as he may think proper.

Rest to be laid up.

Armed vessels to be officered and armed as the President chooses.

Number of officers.

Half pay to officers not under orders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second and fourth sections of "An act providing for a naval peace establishment, and for other purposes," be, and the same are hereby repealed.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to keep in actual service, in time of peace, so many of the frigates and other public armed vessels of the United States, as in his judgment the nature of the service may require, and to cause the residue thereof to be laid up in ordinary in convenient ports.

SEC. 3. *And be it further enacted,* That the public armed vessels of the United States, in actual service, in time of peace, shall be officered and manned, as the President of the United States shall direct; provided that the officers shall not exceed the following numbers and grades, that is to say; thirteen captains, nine masters commandant, seventy-two lieutenants, and one hundred and fifty midshipmen: but the said officers shall receive no more than half their monthly pay, during the time when they shall not be under orders for actual service; and provided further, that the whole number of able seamen, ordinary seamen and boys shall not exceed nine hundred and twenty-five; but the President may appoint, for the vessels in actual service, so many surgeons, surgeon's mates, sailing masters, chaplains, pursers, boatswains, gunners, sail makers, and carpenters, as may in his opinion be necessary and proper.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

CHAP. XXXVI.—*An Act for the regulation of the times of holding the courts of the district of Columbia, and for other purposes.*

Session of the court of Washington changed.

Of Alexandria likewise.

Present courts adjourned accordingly.

Process made returnable according to the change.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit court for Washington county, in the district of Columbia, shall hereafter commence and be held on the first Monday in June in each year, instead of the fourth Monday in July, as now fixed by law; and the circuit court for Alexandria county, in said district, on the first Monday in July, instead of the fourth Monday in June, as now established; and that the circuit court for Washington county, which now stands adjourned to the fourth Monday in July next, shall be, and is hereby adjourned to the first Monday in June next; and the circuit court for Alexandria county shall be adjourned to, and held on the first Monday in July next; and that all process whatsoever, now issued, or that may be issued in the respective counties of Washington and Alexandria, in said district, returnable to the fourth Mondays in June and July next, respectively, or to any particular day in the first, second, or other succeeding weeks during the said terms, as heretofore established, shall be returnable, and returned to the first Mondays in June and July next, or to corresponding days in the first, second, or other succeeding weeks during the said terms, respectively, as now by this law established; and all causes, recognizances, pleas, and proceedings, civil and criminal, returnable to, and depending before the said courts, at the respective times of holding

the same as heretofore established, shall be returned and continued to the said first Monday in June and July next, in the same counties, respectively, in the same manner, as if the said causes, recognizances, pleas and proceedings, had been regularly returned or continued to the said respective times appointed by this act, for holding the said courts.

SEC. 2. *And be it further enacted*, That the provisions of the act, intituled "An act for the relief of insolvent debtors within the district of Columbia," shall extend to any debtor who may have been, or hereafter shall be arrested and holden to bail in the said district, and who at the time of his arrest shall have been a resident in the said district one year, next preceding his arrest.

APPROVED, April 21, 1806.

Provisions of a former act extended to insolvent debtors.

1803, ch. 31.

STATUTE I.

April 21, 1806.

CHAP. XXXVIII.—*An Act continuing in force for a further time, the first section of the act intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act passed on the twenty-fifth (sixth) day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers," as is contained in the first section of the said act, be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

APPROVED, April 21, 1806.

[Obsolete.]

Act of March 26, 1804, ch. 46.
1807, ch. 30.
1808, ch. 11.
1809, ch. 7.
1809, ch. 5.
1811, ch. 3.
1812, ch. 18.
1813, ch. 40.

STATUTE I.

April 21, 1806.

CHAP. XXXIX.—*An Act supplementary to an act intituled "An act for ascertaining and adjusting the titles and claims to land, within the territory of Orleans, and the district of Louisiana." (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person or persons claiming a tract of land, by virtue of the second section of the act, to which this act is a supplement, and who had commenced an actual settlement on such tract, prior to the first day of October, one thousand eight hundred, and had continued actually to inhabit and cultivate the same, during the term of three years from the time when such actual settlement had commenced, and prior to the twentieth day of December, eighteen hundred and three, shall be considered as having made such settlement with the permission of the proper Spanish officer, although it may not be in the power of such person or persons to produce sufficient evidence of such permission.

SEC. 2. *And be it further enacted*, That every person or persons rightfully claiming a tract of land, not exceeding six hundred and forty acres, by virtue of the act, to which this act is a supplement, shall be confirmed in his or their claims, if otherwise embraced by the provisions of the said act, although the person or persons, under whom the claim or claims originated, were not at the time when the same originated, above the age of twenty-one years: *Provided*, that the tract of land thus claimed, had been for the space of ten consecutive years, prior to the twentieth day of December, eighteen hundred and three, in the quiet possession of, and actually inhabited and cultivated by such person or persons, or for his or their use.

SEC. 3. *And be it further enacted*, That the time fixed by the act to which this act is a supplement, for delivering to the register of the proper land-office notices in writing, and the written evidences of claims to land in the territory of Orleans, be, and the same is hereby extended,

Act of March 2, 1805, ch. 26.

What shall be considered an actual settlement according to the second section of the act to which this is a supplement.

Claimants to land not exceeding 640 acres under persons who were not of the age of 21 years confirmed in their titles, if their claims are in other respects regular.

Provido that the claimants shall have been in possession of the lands for 10 years.

(a) See notes to act of March 2, 1805, chap. 26.

Times for delivering notices in writing to claims of land in the territory of Orleans extended.

Persons neglecting, to be barred.

Registers of the land-offices to appoint deputies.

Their duty.

Evidences of claims to land, how, to whom and when delivered.

Commissioners, their duties under this act.

Transcripts of decisions to be filed and transmitted.

Lands not to be disposed of until the decision of Congress.

Compensations of the commissioners and registers.

till the first day of January next; and persons delivering such notices and evidences, shall be entitled to the same benefits as if the same had been delivered prior to the first day of March last; but the rights of such persons, as shall neglect so doing, within the time limited by this act, shall be barred, and the evidences of their claims never after admitted as evidence, in the same manner as had been provided by the fourth section of the act, to which this act is a supplement, in relation to claims, notices, and written evidences of which, should not be delivered, prior to the said first day of March last.

SEC. 4. *And be it further enacted*, That the registers of the land-offices in the territory of Orleans, respectively, be, and they are hereby authorized to appoint so many deputies, not exceeding one for each county, in their respective districts, as they may think necessary; whose duty it shall be to receive, enter, and file notices, and to receive and record written evidences of claims to lands lying in the county, or counties, to them respectively assigned, in the same manner as the register might do; and also, to transmit to the register the said notices and evidences, or such transcripts of abstracts of the same, as the said register, or the commissioners, may direct; and generally to do and perform all such acts, in relation to such claims, as the said register may direct. Persons having claims to land, may deliver the notices and evidences of the same, at their option, either to the register of the proper land-office, or to his deputy, for the county in which such land lies; and each of the said deputies shall be entitled to receive the recording fees, allowed to the register, by the act to which this act is a supplement, and in addition thereto, (or a compensation of five hundred dollars in full for all his services,) at the rate of one dollar for every claim filed with him, to be paid out of the monies appropriated for carrying into effect the act to which this act is a supplement.

SEC. 5. *And be it further enacted*, That the commissioners, appointed for the purpose of ascertaining the rights of persons, claiming lands in the territory of Orleans shall, in their respective districts, have the same powers, and perform the same duties, in relation to the claims thus filed before the first day of January next, as if notice of the same had been given before the first day of March last, and as was provided by the act to which this act is a supplement, in relation to the claims therein described. Transcripts of the decisions of the said commissioners, and reports of the claims filed in conformity with the provisions of this act, shall be made and transmitted, as was provided by the act to which this act is a supplement, in relation to the claims therein described. It shall likewise be the duty of the said commissioners, to inquire into the nature and extent of the claims which may arise from a right, or supposed right, to a double or additional concession on the back of grants or concessions heretofore made, or from grants or concessions heretofore made to minors, and not embraced by the provisions of this act, or from grants or concessions made by the Spanish government, subsequent to the first day of April, one thousand eight hundred, for lands which were actually settled and inhabited on the twentieth day of December, one thousand eight hundred and three; and to make a special report thereon to the Secretary of the Treasury; which report shall be, by him, laid before Congress at their next ensuing session. And the lands which may be embraced by such report, shall not be otherwise disposed of, until a decision of Congress shall have been had thereupon.

SEC. 6. *And be it further enacted*, That each of the registers aforesaid, shall, in addition to his other emoluments, receive a compensation of five hundred dollars for the services to be performed, under this act, prior to the first day of January next; and each of the commissioners aforesaid, shall receive at the rate of six dollars a day for every day's

actual attendance on the duties of his office, subsequent to the first day of January next: *Provided*, that the whole amount of compensation thus allowed, shall not for any commissioner exceed two thousand dollars: *And provided also*, that the President of the United States may, if he shall think proper, reduce, after the first day of January next, the number of commissioners on either or both boards, to one or two persons, and in case of such reduction the commissioner or commissioners constituting the board, shall have the same powers which are vested by this act, or by the act to which this act is a supplement, in the board established by the act, to which this act is a supplement. The clerk of each of the boards shall be entitled to receive at the rate of fifteen hundred dollars a year; the translators at the rate of six hundred dollars a year, and the agents employed by the Secretary of the Treasury at the rate of fifteen hundred dollars a year, from the first day of January next, to the time when each board shall respectively be dissolved. *Provided*, that no more than one year's compensation be thus allowed to each of the said clerks, translators, and agents: *And provided also*, that the Secretary of the Treasury may discontinue either one or both of said agents, whenever he shall think it proper.

Compensation not to exceed 2000 dollars. President may reduce the number of commissioners.

Salaries of officers.

Proviso.

SEC. 7. *And be it further enacted*, That the commissioners appointed for the purpose of ascertaining the rights of persons, claiming lands in the territories of Orleans and Louisiana, be, and they are hereby authorized, if they shall think it necessary, for the purpose of obtaining oral evidence, either in support of, or in opposition to claims, which evidence could not be given at the usual place of their sittings, without oppression to the parties or witnesses, to remove their sittings, or to send for that purpose, one or more members of the board, to such other place or places, within their respective districts, as they may think necessary: And each of the commissioners going for that purpose, to such other place or places, shall, in addition to his compensation, receive at the rate of six dollars for every twenty miles, going to and returning from such place or places: *Provided*, that no commissioner shall receive in the whole, on that account, more than for the distance, from the usual place of the sittings of the board to the extreme settlements within his respective district.

Commissioners may change the places of their sessions.

Compensation for travel.

Proviso.

SEC. 8. *And be it further enacted*, That each of the boards aforesaid, shall prepare and cause to be prepared, the reports and transcripts, which by law they are directed to make to the Secretary of the Treasury, in conformity with such forms as he may prescribe; and they shall also, in their several proceedings and decisions, conform to such instructions, as the said secretary may, with the approbation of the President of the United States, transmit to them in relation thereto.

Boards to prepare and make reports, &c. &c. to the Secretary of the Treasury, according to forms prescribed by him.

SEC. 9. *And be it further enacted*, That the surveyor of the public lands, south of Tennessee, be, and he is hereby directed to appoint a principal deputy for each of the two land districts of the territory of Orleans, whose duty it shall be to reside and keep an office in the said districts respectively, to execute, or cause to be executed by the other deputies, such surveys as have been or may be authorized by law, or as the commissioners aforesaid may direct; to file and record all such surveys, to form as far as practicable, connected drafts of the lands granted in the district, so as to exhibit the lands remaining vacant, and generally to perform in such districts respectively, in conformity with the regulations and instructions of the said surveyor of the public lands south of the state of Tennessee, the duties imposed by law on said surveyor. And each of the said principal deputies shall receive an annual compensation of five hundred dollars, and in addition thereto, the following fees, that is to say: for examining and recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey; and for a certified copy of any plot of a survey in the office, twenty-five cents.

Surveyor of public lands south of Tennessee to appoint deputies, &c.

Their duties.

Compensations.

Receiver of public monies for the western district of Orleans may be appointed by the President, &c.

His compensation.

President may authorize a sale of public lands in the western district of Orleans, &c. &c.

Lands to be offered for sale. Days of sale to be designated by the President's proclamation.

How long to remain open.

Prices, &c. &c.

Compensation to superintendents of sales.

Lands remaining unsold may be disposed of at private sale.

In what manner, and on what terms.

Patents how to be obtained.

Locations made for General La Fayette, may be received though containing less than 1000 acres.

Proviso.

Survey of the coast of the territory of Orleans to be made.

SEC. 10. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, whenever he shall think it proper, to appoint a receiver of public monies for the western district of the territory of Orleans, who shall receive the same annual compensation, give security in the same manner and in the same sums, and whose duties and authorities shall in every respect be the same in relation to the lands which shall hereafter be disposed of at their offices, as are by law provided with respect to the receivers of public monies, in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river. And the said receiver, and the register of the land-office, for the same district shall, whenever the public lands within the same shall be offered for sale, be entitled to the same commissions and fees, which are by law respectively allowed to the same officers, north of the river Ohio, and above the mouth of Kentucky river.

SEC. 11. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, whenever he shall think it proper, to direct so much of the public lands lying in the western district of the territory of Orleans, as shall have been surveyed in conformity with the provisions of the act to which this act is a supplement, to be offered for sale. All such land shall, with the exception of the section "number sixteen," which shall be reserved in each township for the support of schools within the same; with the exception also of an entire township to be located by the Secretary of the Treasury, for the use of a seminary of learning, and with the exception also of the salt springs, and lands contiguous thereto, which by direction of the President of the United States, may be reserved for the future[disposal] of the said States, shall be offered for sale to the highest bidder, under the direction of the register of the land-office, of the receiver of public monies, and of the principal deputy surveyor; and on such day or days, as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open for three weeks and no longer; the lands shall be sold for a price not less than that which has been, or may be fixed by law, for the public lands in the Mississippi territory, and shall in every other respect be sold in tracts of the same size, on the same terms and conditions as have been, or may be by law provided for the lands sold in the Mississippi territory. The superintendents of the said public sales shall receive six dollars, each, for each day's attendance on the said sales. All lands, other than the reserved sections, and those excepted as above mentioned, remaining unsold at the closing of the public sales, may be disposed of at private sale, by the register of the land-office, in the same manner, under the same regulations, for the same price, and on the same terms and conditions as are, or may be provided by law, for the sale of the lands of the United States in the Mississippi territory. And patents shall be obtained for all lands granted or sold in the territory of Orleans, in the same manner and on the same terms, as is, or may be provided by law for lands sold in the Mississippi territory.

SEC. 12. *And be it further enacted*, That the location or locations of land, which may be made in the territory of Orleans, by Major General La Fayette, by virtue of the ninth section of the act to which [this] act is a supplement, shall and may be received, though containing less than one thousand acres: *Provided*, that no such location or survey shall contain less than five hundred acres.

SEC. 13. *And be it further enacted*, That the Secretary of the Treasury be authorized to cause a survey to be made of the sea-coast of the territory of Orleans, from the mouth of the Mississippi to Vermilion bay inclusively, and as much farther westwardly as the President of the United States shall direct, and also of the bays, inlets, and navigable

waters connected therewith: *Provided*, that the expense of such survey shall not exceed five thousand dollars.

SEC. 14. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, in addition to the sum appropriated by the act to which this act is a supplement, and to be paid out of any unappropriated monies in the treasury, be, and the same is hereby appropriated, for the purpose of carrying this act into effect.

APPROVED, April 21, 1806.

Limitation of expense.

Appropriation.

STATUTE I.

CHAP. XL.—*An Act respecting the claims to land in the Indiana territory and state of Ohio.*(a)

April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the registers and receivers of public monies of the districts of Vincennes and Kaskaskias, respectively, be, and they are hereby authorized and empowered, under the direction of the Secretary of the Treasury, to lay out one or more tracts of land, in their respective districts, for the purpose of locating therein, tracts of land granted by virtue of any legal French or British grants, or of any resolution or act of Congress: *Provided*, that the tracts thus laid out shall be, whenever practicable, adjoining the tracts, which, in conformity with former laws, had been laid out for similar purposes by the governors of the northwest or Indiana territories; and the tracts thus laid out shall not be otherwise disposed of, unless by order of Congress.

Act of March 26, 1804, ch. 35. Registers and receivers of public monies in Vincennes and Kaskaskias authorized to lay out one or more tracts in their respective districts.

Proviso.

SEC. 2. *And be it further enacted*, That any person or persons entitled to grants of land by virtue of any former resolution or act of Congress, which are not specifically designated in the patents issued by the governors aforesaid, or which have not yet been located, shall have a right to locate the same in the tract or tracts, to be laid out in each district, respectively, by virtue of the preceding section, the priority of such locations shall be determined by lot in presence of the register of the land-office, with whom the location shall be entered: and the surveyor-general shall cause the same to be surveyed at the expense of the parties; *Provided*, that all the lands thus located, shall, in each tract laid out for that purpose, be laid out in a body, without leaving any intervals of vacant land, and shall each be surveyed in the form of a square or of a parallelogram, the length of which shall not exceed three times its breadth.

Resolution warrants not specific, how to be entered.

Proviso.

SEC. 3. *And be it further enacted*, That the registers and receivers aforesaid, shall complete and transmit their reports to the Secretary of the Treasury, before the first day of December next. Each of the said officers shall be allowed an additional compensation of five hundred dollars; and each of the clerks of the respective boards shall be allowed an additional compensation of two hundred and fifty dollars, in full for his services, as such, in relation to such claims.

Registers and receivers of public monies to transmit reports to the Secretary of the Treasury.—By what time.

SEC. 4. *And be it further enacted*, That the register and receiver of public monies in the district of Cincinnati be, and they are hereby authorized to grant certificates of a right of pre-emption to any person residing on any reserved section (other than section No. 16) for the tract on which he resides, on the applicant's producing satisfactory evidence that his claim was within the provisions of the seventh section of an act, intitled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes:" *Provided*, that the person shall exhibit the evidence of his claim, and shall have paid at least one twentieth part of the purchase money, on or before the first day of August next: *And provided also*, that such certificates shall not

Additional compensation to them.

Registers and receivers of public monies in Cincinnati to grant certificates of pre-emption to residents.

Proviso.

1804, ch. 35.

(a) See notes to act of March 26, 1804, chap. 35.

Certificates
not to be grant-
ed for lands pre-
viously sold, &c.

be granted for any lands previously granted or sold, or for a larger tract than a quarter of a section, nor for any other tract than that on which he resides, and such land shall be granted at the same price, and on the payments being made, as for other public lands sold at private sale.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

CHAP. XLI.—*An Act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads; and for other purposes.*

Hheads of de-
partments au-
thorized to ap-
portion the sal-
aries of their
clerks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the secretaries of state, treasury, war, and navy departments, shall be, and they are hereby authorized to apportion the compensations for clerks in their respective departments, in such manner, as the services to be performed shall, in their judgment, require: *Provided*, that the whole amount of ordinary compensations for clerks in the said departments, respectively, shall not exceed the following sums, annually, that is to say:

Proviso.

Limitation of
allowance for
each of the of-
ficers.

For the department of state, seven thousand one hundred and fifty dollars.

For the treasury department, forty-four thousand two hundred and twenty-seven dollars and twenty-eight cents, that is to say: in the office of the Secretary of the Treasury, ten thousand two hundred and eighty-nine dollars and eighty-one cents; in the office of comptroller of the treasury, nine thousand and sixty-seven dollars; in the office of the auditor, eight thousand eight hundred and eleven dollars; in the office of the treasurer of the United States, two thousand eight hundred and seventeen dollars forty-five cents; and in the office of the register of the treasury, thirteen thousand two hundred and forty-two dollars and two cents.

For the department of war, sixteen thousand five hundred and forty dollars, that is to say: in the office of the secretary, six thousand three hundred and forty dollars; in the office of the accountant of the war department, eight thousand five hundred dollars; and in the office of the purveyor of public supplies, one thousand seven hundred dollars.

For the department of the navy, twelve thousand nine hundred dollars, that is to say: in the office of the secretary, four thousand nine hundred dollars; and in the office of the accountant of the navy department, eight thousand dollars.

Postmaster-
General may ap-
point what num-
ber of clerks he
pleases, and ap-
portion their
salaries.

Proviso.

Salary to one
of the clerks in
the mint.

A further al-
lowance for
clerk hire.

Sum allowed
the surveyor-
general, to be
expended in
clerk hire.

Allowance to
commissioners
of loans in cer-
tain states for
clerk hire.

SEC. 2. *And be it further enacted*, That the Postmaster-General of the United States shall be, and hereby is authorized to appoint such number of clerks in his office, as he shall judge proper, and to apportion their compensations in such manner as the services to be rendered by each shall, in his judgment, require: *Provided*, that the whole amount of ordinary compensations for clerks in the said office, shall not exceed the sum of nine thousand three hundred and forty-five dollars, annually.

SEC. 3. *And be it further enacted*, That the director of the mint be, and he is hereby authorized to allow to one of the clerks employed in his office, seven hundred dollars per annum; and the said director is hereby authorized to expend the further sum of one thousand dollars, annually, in clerk hire, in such manner as his discretion shall dictate. And the surveyor-general is hereby allowed to expend twelve hundred dollars, annually, for clerk hire.

SEC. 4. *And be it further enacted*, That there shall be allowed to the commissioners of loans, in the states of Massachusetts and New York, respectively, not exceeding five clerks, at the rate of five hundred dollars, each, per annum: to the commissioner of loans in Connecticut, not exceeding two clerks, at the rate of four hundred dollars, each, per annum: to the commissioner of loans in Pennsylvania, not exceeding six clerks, at the rate of five hundred dollars, each, annually: to the

commissioners of loans in Virginia and South Carolina, respectively, not exceeding two clerks, at the rate of five hundred dollars, each, annually: the aggregate of compensations for clerks employed by either of said commissioners, to be apportioned among them at his discretion. And there shall be annually allowed in lieu of clerk hire, to the commissioner of loans in the state of New Hampshire, three hundred and fifty dollars: to the commissioner of loans in the state of Rhode Island, four hundred dollars: to the commissioner of loans in the state of New Jersey, three hundred dollars: and to the commissioner of loans in the state of Maryland, two hundred and fifty dollars.

SEC. 5. *And be it further enacted*, That the compensations allowed by this act to clerks, shall commence with the year one thousand eight hundred and seven; and it shall be the duty of the secretaries for the departments of state, treasury, war and navy, and of the Postmaster-General, and surveyor-general, and of the commissioners of loans in the several states, to report to Congress, at the beginning of each year, the names of the clerks they have employed, respectively, in the preceding year, and the sum given to each; and whether the business for clerks increases or diminishes in their respective departments, that Congress may be enabled to make further arrangements by law, respecting clerk hire. And it shall be the duty of the Secretary of the Treasury particularly to report, whether the business in the loan office of Pennsylvania shall, from year to year, continue to require the additional sum of two thousand dollars allowed by this act for clerk hire, in consequence of the removal of the treasury office from Philadelphia, in eighteen hundred, to the permanent seat of government; and likewise he shall report the necessity, if such shall continue, of employing clerks on the business belonging to the office of the late commissioner of the revenue.

SEC. 6. *And be it further enacted*, That hereafter, in case of the removal of any public office, by reason of sickness, which may prevail in the town or city where such office is located, a particular account of the cost of such removal shall be laid before Congress, that they may be enabled to judge of the proper sum to be allowed for the same.

SEC. 7. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to cause to be opened a road from the frontier of Georgia, on the route from Athens to New Orleans, till the same intersects the thirty-first degree of north latitude: *Provided*, he shall not expend more than six thousand four hundred dollars in opening the same. And to cause to be opened a road or roads through the territory lately ceded by the Indians to the United States, from the river Mississippi to the Ohio, and to the former Indian boundary line which was established by the treaty of Grenville: *Provided*, he shall not expend, in opening the same, more than six thousand dollars. And to cause to be opened a road from Nashville, in the state of Tennessee, to Natchez, in the Mississippi territory: *Provided*, he shall not expend more than six thousand dollars in opening the same.

SEC. 8. *And be it further enacted*, That to defray the expense authorized by this act beyond the appropriation for the support of government, for the year one thousand eight hundred and six, there is hereby appropriated a sum not exceeding twenty-eight thousand dollars, payable out of any money in the treasury, not otherwise appropriated. And that the act, intitled "An act to regulate and fix the compensation of clerks," which passed on the second day of March, one thousand seven hundred and ninety-nine, shall, from and after the first day of January next, be, and the same is hereby repealed.

APPROVED, April 21, 1806.

Aggregate compensations.

When the compensations allowed by this act are to commence.

Heads of departments, &c. &c. to report to Congress the number and names of their clerks.

Secretary of the Treasury to report whether the business in the loan office of Pennsylvania requires additional allowance for clerk hire, &c. To report the necessity likewise of employing clerks on the business of the late commissioner of revenue's office.

In case of the removal of any public office on account of sickness, the cost of such removal to be laid before Congress.

A road to be opened from the frontier of Georgia to New Orleans.

Limitation of expenditures.

Appropriation.

Repeal of a former act.
Act of March 2, 1799, ch. 40.

STATUTE I.

April 21, 1806.

For defraying
the expenses of
the navy for the
year 1806.

Specific ap-
propriations.

CHAP. XLII.—*An Act making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and six.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and six, the following sums be, and the same are hereby respectively appropriated, that is to say:

For pay and subsistence of the officers, and pay of the seamen, two hundred and ninety-one thousand one hundred and nineteen dollars.

For provisions, one hundred and fifty-seven thousand two hundred and fifty-four dollars and thirty-four cents.

For medicine, instruments and hospital stores, seven thousand five hundred dollars.

For repairs of vessels, store rent, pay of armorers, freight and other contingent expenses, four hundred and eleven thousand nine hundred and fifty dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, sixty-six thousand and twenty-eight dollars and ten cents.

For clothing for the same, fourteen thousand three hundred and sixty dollars.

For military stores for the same, one thousand one hundred and thirty-five dollars.

For medicine, medical services, hospital stores, and all other expenses on account of the sick, belonging to the marine corps, one thousand one hundred and fifty dollars.

For quartermaster's and barrack master's stores, officers' travelling expenses, armorer's and carpenter's bills, fuel, premium for enlisting, musical instruments, bounty to music, and other contingent expenses, eight thousand one hundred and forty-five dollars.

For the expense of navy yards, docks and other improvements, the pay of superintendents, store-keepers, clerks and labourers, sixty thousand dollars.

For ordnance, fifty thousand dollars.

For completing the marine barracks, at the city of Washington, three thousand five hundred dollars.

SEC. 2. *And be it further enacted,* That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

Act of March
3, 1807, ch. 34.
A town to be
laid out by the
governor and
judges of Mich-
igan.

Titles to lots
to be adjusted
and settled by
them.

Lots to be
given to actual
settlers of the
town of Detroit
when it was
burnt, if they

CHAP. XLIII.—*An Act to provide for the adjustment of titles of land in the town of Detroit and territory of Michigan, and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the governor and the judges of the territory of Michigan shall be, and they, or any three of them, are hereby authorized to lay out a town, including the whole of the old town of Detroit, and ten thousand acres adjacent, excepting such parts as the President of the United States shall direct to be reserved for the use of the military department, and shall hear, examine, and finally adjust all claims to lots therein, and give deeds for the same. And to every person, or the legal representative or representatives of every person, who not owning or professing allegiance to any foreign power, and being above the age of seventeen years, did on the eleventh day of June, one thousand eight hundred and five, when the old town of Detroit was

(a) See notes to act of March 3, 1807, chap. 34.

burnt, own or inhabit a house in the same, there shall be granted by the governor and the judges aforesaid, or any three of them, and where they shall judge most proper, a lot not exceeding the quantity of five thousand square feet.

SEC. 2. *And be it further enacted*, That the land remaining of the said ten thousand acres, after satisfying claims provided for by the preceding section, shall be disposed of by the governor and judges aforesaid, at their discretion, to the best advantage, who are hereby authorized to make deeds to purchasers thereof, and the proceeds of the lands so disposed of, shall be applied by the governor and judges aforesaid, towards building a courthouse and jail in the town of Detroit, and the said governor and judges are required to make a report to Congress, in writing, of their proceedings under this act.

APPROVED, April 21, 1806.

were citizens of the United States.

Land undisposed of according to the preceding section to be sold by the governor and judges.

STATUTE I.

CHAP. XLIV.—*An Act making a further appropriation towards completing the south wing of the Capitol, at the city of Washington.*

April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding forty thousand dollars, shall be, and the same is hereby appropriated, to be applied under the direction of the President of the United States, towards completing the south wing of the Capitol, at the city of Washington, which said sum shall be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, April 21, 1806.

Specific appropriation.

STATUTE I.

CHAP. XLV.—*An Act to amend, in the cases therein mentioned, the "Act to regulate the collection of duties on imports and tonnage."*

April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the "Act to regulate the collection of duties on imports and tonnage," as requires the collector for the district of Great Egg Harbor, in the state of New Jersey, to reside at Somer's Point, be, and the same hereby is repealed; and the said collector shall reside at such place within said district, as may be directed by the Secretary of the Treasury.

SEC. 2. *And be it further enacted*, That the town or landing place of Darien, on the Altamaha river, in the state of Georgia, shall be a port of delivery, to be annexed to the district of Brunswick, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and a surveyor shall be appointed to reside at the said port of delivery, who shall be entitled to receive one hundred dollars, annual salary, together with the other emoluments of office, as fixed by existing laws.

SEC. 3. *And be it further enacted*, That Ocracoke inlet, in North Carolina, together with Shell Castle and Beacon islands, and all the shores, islands, shoals, bays and waters within two miles of the shores of said inlet, on each side thereof, shall be a district, to be called the district of Ocracoke; the President of the United States shall be authorized to designate such place in the said district, as he shall think proper, to be the port of entry; and a collector for said district shall be appointed to reside at such port of entry, who, in addition to his other emoluments, shall be entitled to receive the salary now allowed to the surveyor of Beacon island, and no other; and shall also perform the duties heretofore enjoined by law on the said surveyor; but no duties shall be paid, or secured to be paid, in the said district of Ocracoke, on any articles intended for any other port connected with the waters of the

1799, ch. 22.
Collector of Great Egg Harbor may reside any where in his district approved of by the Secretary of the Treasury.

Town of Darien in Georgia made a port of delivery, to be annexed to the district of Brunswick.

Ocracoke inlet in North Carolina, made the district of "Ocracoke."

Port of entry to be designated by the President.

Collector to reside there.
His compensation.

Duties on what articles to be laid and collected.

Office of surveyor of Beacon island abolished.

1799, ch. 22.

said inlet of Ocracocke, such only excepted as may be cast away within the said district. The office of surveyor of Beacon island shall be henceforth abolished, and the masters or commanders of every ship or vessel coming in at Ocracocke inlet, and intending to unlade her cargo, or any part thereof, at any port, other than the district of Ocracocke, connected with the waters of the said inlet, as well as the masters or commanders of all lighters or coasting vessels, who shall receive goods, wares or merchandise, to be transported to any such port, shall be bound to exhibit their reports and manifests to the said collector, and to perform all the other duties, which, by the eighteenth section of the act, intituled "An act to regulate the collection of duties on imports and tonnage," they are now bound to perform, under similar circumstances, in the inlet aforesaid.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

1803, ch. 27.
Persons losing their lands under pre-emption certificates entitled to others.

CHAP. XLVI.—*An Act in addition to an act, intituled "An act regulating the grants of land and providing for the disposal of the lands of the United States, south of the state of Tennessee."*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person who shall have received pre-emption certificates from either of the boards of commissioners, appointed for the purpose of ascertaining the rights of persons to lands in the Mississippi territory, shall, by a final judgment or decree of the highest court of law, or equity, in which a decision could be had, within the said territory, rendered in favour of another person claiming by virtue of a British patent, lose the whole or part of the tract of land to which he was entitled by virtue of such certificate, it shall be lawful for the receiver of public monies for the district where the land lies, to repay to such person or his assigns, so much of the purchase money as had been paid by him for the land thus recovered, by the holder of the British patent.

Interfering claims under British patents and certificates from the commissioners, how to be settled.
Proviso.

In all cases where only a part of a tract of land, to which any person may be entitled by virtue of a certificate granted by the commissioners aforesaid, is also claimed by the holder of a British patent, a patent may issue in favour of the owners of such certificate, for so much of such tract of land as is not claimed by virtue of such British patent: *Provided*, that he shall in every other respect have complied with the provisions of the acts of Congress, regulating the grants of land in the Mississippi territory. And the lands contained in British grants, which have been duly recorded in conformity with the provisions of former laws, and for which certificates have not been granted by the commissioners aforesaid, shall not be disposed of until otherwise directed by Congress.

Rights of pre-emption to lands in the Mississippi territory by what time to be paid for.
Penalty of neglect of payment.

SEC. 2. *And be it further enacted,* That persons entitled to a right of pre-emption to lands in the Mississippi territory, by virtue of certificates granted by either of the boards of commissioners aforesaid, shall be allowed till the first day of January, one thousand eight hundred and seven, to make the first payment of the purchase money of such lands: and if any such person shall neglect to make such first payment, on or before the first day of January, one thousand eight hundred and seven, his right of pre-emption shall cease and become void.

Compensation of commissioners.

SEC. 3. *And be it further enacted,* That each of the commissioners appointed to ascertain the claims to lands in the above-mentioned territory, west of Pearl river, shall be allowed at the rate of six dollars for every day he shall attend, subsequent to the first day of April, one thousand eight hundred and six: *Provided*, that such additional allowance shall not exceed five hundred dollars for each commissioner; and

Proviso.

(a) See act of March 3, 1803, chap. 27.

the agent appointed in behalf of the United States for the said board shall be allowed an additional compensation of three hundred and fifty dollars for the whole of his services. And the register and receiver of public monies, in each of the districts of the above-mentioned territory, shall, and they are hereby authorized, in their districts, respectively, and after the dissolution of the board of commissioners for their district, to regulate the location of any tract of land lying within such district, for which a certificate shall have been granted by the commissioners, whenever it shall appear that the location specified in such certificates, interfere with each other, or do not include the improvements, by virtue of which such certificates were granted: *Provided*, that the said register and receiver shall not be authorized to allow any location on land not improved and settled, in the manner provided by the former acts of Congress, regulating the grants of land in the above-mentioned territory; nor to allow, in any case, a greater quantity of land than had been allowed by the commissioners.

SEC. 4. *And be it further enacted*, That whenever it shall appear to the satisfaction of the register and receiver of the district, east of Pearl river, that the settlement and occupancy, by virtue of which a pre-emption certificate had been granted by the commissioners, had been made and taken place, prior to the 30th day of March, one thousand seven hundred and ninety-eight, they shall be authorized to grant to the party a donation certificate, in lieu of such pre-emption; and the patent shall issue as in other cases of donations: *Provided*, that application shall be made for such an exchange, and evidence produced of the date of such settlement and occupancy, on or before the thirty-first day of December next.

SEC. 5. *And be it further enacted*, That the right of the United States, to all the land lying between the front street of the city of Natchez and the Mississippi river, and bounded on the north by north Fourth street, and the land granted to Stephen Minor, and on the south, by the lands annexed to the old fort, and those granted to William Barland, be, and the same hereby is, for ever vested in the corporation of said city, so as not to affect the legal or equitable claims of any individuals, or of any body politic, or corporate, if any such there be: *Provided*, that the said land, as above described, be neither cultivated nor occupied by buildings, but that it be planted with trees, and preserved as a common, for the use, comfort, and health of the inhabitants of the city aforesaid, and all other persons who may occasionally resort thither.

SEC. 6. *And be it further enacted*, That whenever the section No. 16, shall fall upon land already granted, by virtue of any act of Congress, or claimed by virtue of a British grant, the Secretary of the Treasury shall locate another section, in lieu thereof, for the use of schools, which location shall be made in the same township, if there be any other vacant section therein, and otherwise, in an adjoining township.

SEC. 7. *And be it further enacted*, That Richard Sparks be permitted to enter with the register of the land-office, for the district west of Pearl river, his claim to three hundred and twenty acres of land, lying within said district; and that Richard S. Bryan, and George Brewer, senior, be permitted to enter with the register of the land-office, for the district east of Pearl river, their certificate of a right of pre-emption for three hundred and twenty acres of land, lying within the district last mentioned: and such entry of the claim of the said Richard Sparks shall have the same effect, as if it had been made prior to the first day of December, one thousand eight hundred and four, and such entry of the certificate of the said Richard S. Bryan and George Brewer, senior, shall have the same effect as if it had been made within three months from the time it was issued.

APPROVED, April 21, 1806.

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Registers and receivers of public monies to have discretionary powers with regard to certain locations, &c. &c.

Proviso.

Register and receiver of the district east of Pearl river authorized to grant donation certificates in certain cases.

Proviso.

Right of the United States in land near and adjoining to Natchez, vested in the corporation of that city.

Proviso.

Sec. No. 16, how to be located if it shall have fallen upon any land claimed by virtue of a British grant.

Where Richard Sparks' claim is to be entered.

Also those of Richard S. Bryan and George Brewer, Senr.

STATUTE I.

April 21, 1806.

Sum appropriated for the fortification of the ports and harbors of the U. States.

Sum appropriated for building gun boats for the protection of the harbors, &c. &c. of the U. States.

President authorized to officer, man and equip them.

Armed vessels of the United States may be sold, at the discretion of the President.

Appropriations—out of what funds to be paid.

CHAP. XLVII.—*An Act for fortifying the ports and harbors of the United States, and for building Gun Boats.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of money, not exceeding one hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, shall be, and the same is hereby appropriated, to enable the President of the United States to cause the ports and harbors of the United States to be better fortified and protected.

SEC. 2. *And be it further enacted,* That a sum of money, not exceeding two hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, shall be, and the same is hereby appropriated, to enable the President of the United States to cause to be built and completed a number of gun boats, not exceeding fifty; for the protection of the harbors, coasts, and commerce of the United States; and the President is hereby authorized to officer, man and equip any part, or all of said gun boats, when he shall judge the same expedient, for the purposes aforesaid; and a sum not exceeding twenty thousand dollars is hereby appropriated to defray any expense which may be incurred by officering, manning and equipping gun boats, as aforesaid.

SEC. 3. *And be it further enacted,* That the President of the United States may direct any of the armed vessels of the United States to be sold, whenever he shall be of opinion that the said vessel is so much out of repair, that it will not be for the interest of the United States to repair the same.

SEC. 4. *And be it further enacted,* That the several sums of money hereby appropriated, shall be paid out of any money in the treasury of the United States, not otherwise appropriated.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

Act of April 18, 1796, ch. 13. Trading houses how to be established at such ports and places on the frontiers as the President may choose.

Superintendent of Indian trade.

His duties.

Supplemental act 1809, ch. 34. Repealed 1811, ch. 30.

His compensation.

CHAP. XLVIII.—*An Act for establishing trading houses with the Indian tribes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States, to establish trading houses at such posts and places on the frontiers, or in the Indian country, on either or both sides of the Mississippi river, as he shall judge most convenient for the purpose of carrying on a liberal trade with the several Indian nations, within the United States, or their territories.

SEC. 2. *And be it further enacted,* That the President of the United States shall be authorized to appoint a superintendent of Indian trade, whose duty it shall be to purchase and take charge of all goods intended for trade with the Indian nations aforesaid, and to transmit the same to such places as he shall be directed by the President. And he shall take an oath or affirmation faithfully to execute the trust committed to him, and that he will not directly, or indirectly, be concerned, or interested in any trade, commerce; or barter, but on the public account; and he shall also give bond, in the penal sum of twenty thousand dollars, with sufficient security, to be approved of by the Secretary of the Treasury of the United States, truly and honestly to account, for all the money, goods and other property, whatever, which shall come into his hands, or for which in good faith he ought so to account, and to perform all the duties required of him by this act; and his accounts shall be made up quarter yearly, and transmitted to the Secretary of the Treasury.

SEC. 3. *And be it further enacted,* That the superintendent of Indian trade shall receive an annual salary of two thousand dollars, payable quarter yearly, at the treasury of the United States.

SEC. 4. *And be it further enacted,* That the President of the United

States shall be authorized to appoint an agent for each trading house established under the provisions of this act; and every such agent shall give bond with sufficient security in such sum as the President shall direct, truly and honestly to account for all the money, goods, and other property whatever, which shall come into his hands, and for which he ought so to account, and to perform all the duties required of him by this act.

SEC. 5. *And be it further enacted*, That it shall be the duty of each of the said agents, to receive from the superintendent of Indian trade, and dispose of, in trade with the Indian nations aforesaid, such goods as may be transmitted to him by the said superintendent; to be received and disposed of as aforesaid, according to the rules and orders which the President of the United States shall prescribe; and every such agent shall take an oath or affirmation, faithfully to execute the trust committed to him; and that he will not, directly or indirectly, be concerned or interested in any trade, commerce or barter, but on the public account, and he shall render an account quarter yearly to the superintendent of Indian trade, of all money, goods, and other property whatsoever, which shall be transmitted to him, or which shall come into his hands, or for which, in good faith he ought to account; and he shall transmit duplicates of his accounts to the Secretary of the Treasury of the United States.

SEC. 6. *And be it further enacted*, That the superintendent of Indian trade, the agents, their clerks, or other persons employed by them, shall not be, directly or indirectly, concerned in exporting to a foreign country, any peltries or furs belonging to the United States, or interested in carrying on the business of trade or commerce, on their own, or any other than the public account, or take or apply to his or their own use, any emolument or gain for negotiating or transacting any business or trade, during his or their appointment, agency or employment, other than provided by this act, or excepting for or on account of the United States. And if any such person shall offend against any of the prohibitions aforesaid, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit to the United States a sum not exceeding one thousand dollars, and shall be removed from such office, agency or employment, and forever thereafter, be incapable of holding any office under the United States: *Provided*, that if any person, other than a public prosecutor, shall give information of any such offence, upon which a prosecution and conviction shall be had, one half of the aforesaid penalty, when received, shall be for the use of the person giving such information: *And provided also*, that if such misdemeanor be committed by the superintendent of Indian trade, or by any agent, it shall be deemed a breach of the condition of his bond, and the penalty thereof may be recovered in any court having competent jurisdiction of the same.

SEC. 7. *And be it further enacted*, That the prices of goods supplied to, and to be paid for, by the Indians, shall be regulated in such manner, that the capital stock, furnished by the United States, shall not be diminished.

SEC. 8. *And be it further enacted*, That during the continuance of this act, the annual sum of three thousand dollars be, and the same is hereby appropriated for the payment of the salary of the superintendent of Indian trade and his clerks, to be paid out of any money in the treasury of the United States, not otherwise appropriated.

SEC. 9. *And be it further enacted*, That during the continuance of this act, the President of the United States be, and he is hereby authorized to draw annually from the treasury of the United States a sum not exceeding ten thousand dollars, to be applied under his direction to the payment of the agents and clerks; which agents shall be allowed to

Agents for the trading houses established by this act to be appointed by the President.

Agents to receive and dispose of in trade among the Indians, goods from the superintendent: according to rules and regulations of the President.

Oath of the agents.

Quarter yearly accounts to be rendered by them to the superintendent.

Duplicates to be sent to the Secretary of the Treasury.

Agents, &c. not to be concerned in exporting, directly or indirectly, the furs and peltries of the United States, or be concerned in trade, &c. &c. but on the public account.

Their emoluments limited to the pay of the United States.

Penalties. Proviso.

Proviso.

Prices of goods furnished the Indians to be so regulated as that the capital stock is not to be diminished.

Annual appropriation for paying superintendent and his clerks.

President may draw a sum of money every year for the payment of agents and clerks.

Agents and

clerks entitled to draw rations.

Sum appropriated for the trade and intercourse of the United States with the Indian tribes.

Penalties for purchasing certain articles from the Indians.

Proviso.

The furs and peltries belonging to the U. States to be sold at public auction after notice shall have been published.

Duration of this act.

Continued 1809, ch. 34.

STATUTE I.

April 21, 1806.

Penalties for falsely making and uttering coins of the U. States, or of foreign countries made current here.

draw out of the public supplies two rations each, and each clerk one ration per day.

SEC. 10. *And be it further enacted*, That the sum of two hundred and sixty thousand dollars, including the sums heretofore appropriated, and applied to the like purpose, and exclusive of the salary of the superintendent of Indian trade, and of the allowances to agents and clerks, be, and the same is hereby appropriated, for the purpose of carrying on trade and intercourse with the Indian nations, in the manner aforesaid, to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

SEC. 11. *And be it further enacted*, That if any agent or agents, their clerks, or other person employed by them, shall purchase or receive from any Indian, in the way of trade or barter, any gun, or other article commonly used in hunting; any instrument of husbandry or cooking utensil, of the kind usually obtained by Indians in their intercourse with white people, or any article of clothing, excepting skins or furs, he or they shall respectively forfeit the sum of one hundred dollars for each offence, to be recovered by action of debt, in the name and to the use of the United States, in any court having jurisdiction in like cases: *Provided*, that no suit shall be commenced except in the state or territory within which the cause of action shall have arisen, or in which the defendant may reside. And it shall be the duty of the superintendent of Indian trade, or of the superintendents of Indian affairs, and their deputies respectively, to whom information of every such offence shall be given, to collect the requisite evidence, if attainable, to prosecute the offender without delay.

SEC. 12. *And be it further enacted*, That it shall be the duty of the said superintendent of Indian trade, under the direction of the President of the United States, to cause the said furs and peltry to be sold at public auction, public notice whereof shall be given three weeks previous to such sale, in different parts of the United States, making an equal distribution of the same, in proportion to the demand of the market, and as may be deemed most advantageous to the United States, and upon such terms and conditions as shall be prescribed by the Secretary of War: *Provided*, that there shall not be less than six annual public sales, of the said furs and peltry, and that the superintendent of Indian trade shall not hold more than two such sales in any state, during any one year.

SEC. 13. *And be it further enacted*, That this act shall be in force for and during the term of three years, and no longer.

APPROVED, April 21, 1806.

CHAP. XLIX.—*An Act for the punishment of counterfeiting the current coin of the United States; and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist, in falsely making, forging or counterfeiting, any gold or silver coins, which have been or which hereafter shall be coined at the mint of the United States, or who shall falsely make, forge, or counterfeit, or cause, or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any foreign gold or silver coins, which, by law now are or hereafter shall be made current, or be in actual use and circulation as money within the United States; or who shall utter, as true, any false, forged, or counterfeited coins of gold or silver, as aforesaid, for the payment of money, with intention to defraud any person or persons, knowing the same to be falsely made, forged or counter-

feited; any such person, so offending, shall be deemed and adjudged guilty of felony, and being thereof convicted according to the due course of law, shall be sentenced to imprisonment, and kept at hard labour for a period not less than three years, nor more than ten years; or shall be imprisoned not exceeding five years, and fined not exceeding five thousand dollars.

SEC. 2. *And be it further enacted*, That if any person shall import or bring from any foreign place into the United States, any false, forged, or counterfeit gold or silver coins, which are by law made current, or are in actual use and circulation, as money within the United States, with the intent to utter, or make payment with the same, knowing the same to be falsely made, forged, or counterfeited; or who shall utter, as true, any such false, forged, or counterfeited coins of gold or silver, as aforesaid, for the payment of money, with intention to defraud any person or persons, knowing the same to be falsely made, forged, or counterfeited, the person so offending shall be deemed guilty of felony, and being thereof convicted according to the due course of law, shall be sentenced to imprisonment and kept at hard labour for a period not less than two years, nor more than eight years; or shall be imprisoned not exceeding two years, and fined not exceeding four thousand dollars.

SEC. 3. *And be it further enacted*, That if any person shall fraudulently and for gain's sake, by any art, way, or means whatsoever, impair, diminish, falsify, scale, or lighten the gold or silver coins, which have been, or which shall hereafter be coined at the mint of the United States; or any foreign gold or silver coins, which are by law made current, or are in actual use and circulation as money within the United States, every person so offending shall be deemed guilty of a high misdemeanor, and shall be imprisoned not exceeding two years, and fined not exceeding two thousand dollars.

SEC. 4. *And be it further enacted*, That nothing in this act contained, shall be construed to deprive the courts of the individual states of jurisdiction, under the laws of the several states, over offences made punishable by this act.

APPROVED, April 21, 1806.

Penalties upon those who shall import into the United States any false or counterfeit coins to be circulated in this country.

Act of March 3, 1825, ch. 65, sec. 20.

Penalties for impairing, falsifying, &c. &c. the coins of the United States, or those of foreign countries in circulation here.

Jurisdiction of the individual states not to be affected by this act.

STATUTE I.

April 18, 1806.

CHAP. L.—*An Act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for lands of the United States; and for other purposes, relative to the public debt.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for the lands of the United States, shall from and after the thirtieth day of April, one thousand eight hundred and six, be repealed: *Provided*, that the right of all persons who may have purchased public lands previous to the passage of this act, to pay for the same in stock, shall in no wise be affected or impaired: *And provided further*, that there shall be allowed on every payment made in money, at or before the same shall fall due, for lands purchased before the thirtieth day of April, one thousand eight hundred and six, in addition to the discounts now allowed by law, a deduction equal to the difference at the time of such payment, between the market price of six per cent. stock and the nominal value of its unredeemed amount, which market price shall, from time to time, be stated by the Secretary of the Treasury to the officers of the several land-offices.

SEC. 2. *And be it further enacted*, That the commissioners of the sinking fund shall not be authorized to purchase any of the several species of the public debt, at a higher price than at the rates following, that is to say; they shall not pay more for three per cent. stock than sixty

Repeal of such acts as authorize the receipt of evidences of public debt in payment for land after the 30th of April, 1806.

Proviso.

Rates at which purchases may be made of the public debt of the United States.

per cent. of its nominal value; nor for any other species of the public debt more than the nominal value of its unredeemed amount, the eight per cent. stock only excepted; for which they shall be authorized, in addition thereto, to give at the rate of one half of one per cent. on the said nominal value, for each quarterly dividend which may be payable on such purchased stock, from the time of such purchase to the first day of January, one thousand eight hundred and nine.

Repeal of part of a former law, restricting the commissioners as to the mode and time of purchases.

1792, ch. 38,
sec. 7, 8.

SEC. 3. *And be it further enacted*, That so much of any act as directs that purchasers of the public debt, by the commissioners of the sinking fund, shall be made within the thirty days next ensuing after each day on which a quarterly payment of interest on the debt of the United States shall become due: and also so much of any act as directs that the said purchases shall be made by open purchase or by sealed proposals, be, and the same hereby is repealed. And the said commissioners are hereby authorized to make such purchases, under the restrictions laid by the preceding section, in such manner, and at such times and places as they shall deem most eligible; and for that purpose to appoint a known agent or agents, to whom they may allow a commission, not exceeding one fourth of one per cent. on the respective purchases of such agents.

APPROVED, April 18, 1806.

STATUTE I.

April 21, 1806.

Lighthouses
to be built.

Franklin
island.

West Passa-
maquoddy head.

Proviso.

Beacons or
piers to be also
erected—at
what places.

Appropriations
for erecting the
lighthouses and
piers.

CHAP. LI.—*An Act for erecting certain Lighthouses in the state of Massachusetts; for building a beacon, or pier, at Bridgeport, in the state of Connecticut; and for fixing buoys in Pamptico sound, in the state of North Carolina.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to cause to be erected the following lighthouses in the state of Massachusetts:

One on Franklin island, at the mouth of St. George's river, in the district of Maine.

One on West Passamaquoddy head, at the entrance into the bay and harbor of Passamaquoddy, in the district of Maine.

And a double lighthouse at or near Chatham harbor, on the back of Cape Cod.

Provided sufficient land for the accommodation of the said lighthouses can be obtained at reasonable prices, and the legislature of Massachusetts shall cede the jurisdiction over the same to the United States. And the Secretary of the Treasury is hereby authorized to agree for the salaries, or wages, of the persons who may be appointed by the President for the superintendence and care of said lighthouses, and otherwise to provide for the same, at the expense of the United States.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby required to cause a beacon, or pier, to be erected near the mouth of the harbor of Bridgeport, in the state of Connecticut; and to cause buoys to be fixed on Bluff Shoal, Royal Shoal, northwest Straddle, and southwest Straddle, in the waters of Pamptico sound, in the state of North Carolina.

SEC. 3. *And be it further enacted*, That there be appropriated for defraying the expense of erecting each of the aforesaid lighthouses, the sum of five thousand dollars: for the expense of erecting the said beacon, or pier, the sum of one thousand dollars; and for the expense of fixing the said buoys, one thousand dollars, to be paid, respectively, out of any money in the treasury, not otherwise appropriated.

APPROVED, April 21, 1806.

CHAP. LII.—*An Act supplementary to the act intituled "An act to extend jurisdiction in certain cases to the territorial courts,"*

STATUTE I.

April 18, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act, intituled "An act for providing compensation for the marshals, clerks, attorneys, jurors and witnesses, in the courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes," passed February the twenty-eighth, one thousand seven hundred and ninety-nine, be, and the same hereby are extended to the territories of the United States, so far as the said act may relate to the provisions of the act, intituled "An act to extend jurisdiction in certain cases to the territorial courts," passed March the third, one thousand eight hundred and five, excepting that the clerks of the said territorial courts shall not receive the additional five dollars per day, allowed to the clerks of the circuit and district courts by the third section of the act first above mentioned.

Provisions of a former act extended to the territories of the United States.

Act of Feb. 28, 1799, ch. 19.

1805, ch. 38.

APPROVED, April 18, 1806.

STATUTE I.

CHAP. LIII.—*An Act making appropriations for carrying into effect certain Indian treaties.*

April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying into effect a treaty between the United States and the Delawares, Potawatimies, Miamies, Eel river and Weaws, holden at Grouseland, near Vincennes, on the twenty-first day of August, one thousand eight hundred and five, the sum of one thousand six hundred dollars is hereby appropriated, to be paid to the said tribes, annually, as follows: to the Miamies, six hundred dollars; to the Eel river tribe, two hundred and fifty dollars; to the Weaws, two hundred and fifty dollars; which several annuities shall be permanent: and to the Potawatimies, annually, for the term of ten years, and no longer, the sum of five hundred dollars, in addition to former annuities.

Specific appropriations.

SEC. 2. *And be it further enacted,* That for the purpose of carrying into effect a treaty between the United States and the Wyandot, Ottawa, Munsee and Delaware, Shawanee, and Potawatimie nations, holden at Fort Industry, on the fourth day of July, one thousand eight hundred and five, the annual sum of eight hundred and twenty-five dollars be, and the same is hereby appropriated.

Specific appropriations.

SEC. 3. *And be it further enacted,* That for the purpose of carrying into effect two treaties between the United States and the Cherokee Indians, holden at Tellico, on the twenty-fifth and twenty-seventh days of October, one thousand eight hundred and five, a sum of fifteen thousand six hundred dollars, and the further annual sum of three thousand dollars be, and the same is hereby appropriated.

Specific appropriations.

SEC. 4. *And be it further enacted,* That for the purpose of carrying into effect a convention between the United States and the Creek nation of Indians, concluded at the city of Washington, on the fourteenth day of November, one thousand eight hundred and five, a sum of twelve thousand dollars, annually, for eight years, and the sum of eleven thousand dollars, annually, for the term of ten years, next thereafter succeeding, be, and the same are hereby appropriated.

Specific appropriations.

SEC. 5. *And be it further enacted,* That the several sums appropriated by this act, shall be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, April 21, 1806.

STATUTE I.

April 18, 1806.

CHAP. LIV.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand eight hundred and six.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of the military establishment of the United States, for the year one thousand eight hundred and six; for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific ap-
propriations.

For the pay of the army of the United States, three hundred and two thousand five hundred and fifty-six dollars.

For forage, four thousand six hundred and eight dollars.

For the subsistence of the army and corps of engineers, two hundred and twenty-four thousand nine hundred and ninety-four dollars, five cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, twelve thousand dollars.

For camp equipage, fuel, tools and transportation, eighty-five thousand dollars.

For fortifications, arsenals, magazines and armories, two hundred and eighteen thousand five hundred and forty-two dollars, five cents.

For purchasing maps, plans, books and instruments, one thousand five hundred dollars.

For the contingent expenses of the war department, eighteen thousand dollars.

For the pay and subsistence of the commandants in Louisiana, six thousand and sixty-six dollars, sixty-seven cents.

For the Indian department, ninety-six thousand six hundred dollars.

SEC. 2. *And be it further enacted, That the several appropriations herein before made, shall be paid and discharged, first, out of any balance remaining unexpended of former appropriations for the support of the military establishment; and secondly, out of any monies in the treasury not otherwise appropriated.*

APPROVED, April 18, 1806.

STATUTE I.

April 21, 1806.

CHAP. LV.—*An Act further to alter and establish certain Post Roads; and for other purposes.*

Repealed 1810,
ch. 30.

Post roads dis-
continued.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post roads shall be discontinued: from Dixon's Spring, to Lebanon, in Tennessee; and from Raleigh, by Haywood, Chatham Courthouse, and Chapel Hill, to Hillsborough in North Carolina.

SEC. 2. *And be it further enacted, That the following post roads be established:*

Post roads
established.

In Massachusetts.—From Granville, through Sandisfield and New Marlborough, to Stockbridge; and from Rochester, by Middleborough, East Meeting House, to East Bridgewater; from Brookfield, through Brimfield in Massachusetts, to Stafford Springs, and thence to Tolland in Connecticut.

In the district of Maine.—From Brewer's to Plantation number five; from Vassalborough, through Fairfax, Unity, Collegetown, to Hamden; from Buckfield, through Hartford, to Livermore; and from New Milford, through Ballstown, Palermo, and Davistown, to Belfast.

In Vermont.—From Royalton, through Tunbridge, Chelsea, and Ver-shire, to Corinth.

In Connecticut.—From Pomfret, through Gloucester, to Providence in Rhode Island.

In New York.—From the town of Cherry Valley, through Springfield, Richfield, Plainfield, and Bridgewater, to Sangersfield; and from Harrisburg, through Williamstown, Ogdensburg, Potsdam, Chautaugay, to Plattsburg; from Rome, through Redfield, Adams, by Smith's mills to Sacket Harbor, and from thence to Chemangh; from Bath, through Canistio-town, Danville, and Williamsburg, to Hartford; and from Onandago to the village of Oswego in Lysander; and a cross post from West Hampton, to River Head; from New Lebanon, in the state of New York, by Hancock, Richmond, Lennox, Lee, Becket, Loudon, and Sandisfield, in Massachusetts, to New Hartford in Connecticut.

Post roads established.

In New Jersey.—From Belvidere to Stroudsburg, in Pennsylvania.

In Pennsylvania.—From Berlin, through Salisbury, to Cumberland; from Greensburgh to Kittanning; from Tuckhannok to Chenango Point in New York; and from Greensburgh, through Mount Pleasant, Robbstown, and Williamsport, to Washington; and from Washington, through Alexandria, to Wheeling; from Gettysburg, through Miller's town, Nicholson's Gap, and Waynesburg, to Green Castle.

In Delaware.—From the village of Christiana, through Newark, to Strasburgh in Pennsylvania; and from Georgetown, through Concord, to Laurel.

In Maryland.—The post road from Vienna, in Dorchester county, to Snow Hill, in Worcester county, and thence returning to Vienna, may, in the discretion of the Postmaster-General, be so altered as to pass over Wicomico lower ferry and Quantico mills: *Provided*, no additional expense in transporting the mail shall be incurred thereby.

In Virginia.—From Lynchburgh to Lexington; from Waterford to Sniker's Gap, by the stores of Robert Braden and Jessy Janny, and from thence to Upperville, and to return by Israel Janny's mill; from Wythe Courthouse, by Tazewell Courthouse, Russel Courthouse, Lee Courthouse, to Robinson's mills; and from Madison Courthouse to Stanardsville; the post road from Manchester to Colesville, shall pass by Chesterfield Courthouse and Spring Hill.

In North Carolina.—From Averysborough by Haywood, Chatham Courthouse, to cross Haw river near Jones' ferry, to Hillsborough; from Raleigh, by Chapel Hill, to Hillsborough; from Wilmington through Conwayborough to Georgetown, in South Carolina; and from Wilksborough to Ashe Courthouse.

In South Carolina.—From Portserry to Conwayborough; and from Portserry, by Marion Courthouse, to Thomas Harley's.

In Georgia.—From Washington to Petersburg, and from Athens to Knoxville in Tennessee.

In Ohio.—From Cincinnati, by North Bend, to Lawrenceburgh in the Indiana territory; from Austinburg to Erie in Pennsylvania, and from Franklinton to Worthington.

In Kentucky.—From New Castle or Henry Courthouse, by Gallatin Courthouse and Boone Courthouse, to Laurenceburgh, in the Indiana territory; and the post road from Henderson to Eddeville shall pass by Livingston Courthouse.

In Tennessee.—From Mount Granger to Carthage, thence, by Kave-nagh, to Lebanon; from Nashville to Charlotte; from Burville by Walnut Cove, thence along the turnpike road, by way of Chitwood's, to Pulaski in Kentucky; and from Palmyra to Stuart Courthouse, and thence to Eddyville.

In Orleans Territory.—From Rapid settlement to Opelousa.

SEC. 3. *And be it further enacted*, That a sum not exceeding two hundred and fifty dollars, be, and the same is hereby appropriated, out of any monies in the treasury not otherwise appropriated, to enable the Postmaster-General to defray the expenses which already are, or hereafter may be incurred in providing for the accommodation of Josiah H.

Sum appropriated on account of Joseph H. Webb.

Webb, who, in August last, was wounded by some person unknown, whilst he was employed in carrying the mail of the United States, and who is now under the care of the commandant at fort Stoddert.

SEC. 4. *And be it further enacted*, That this act shall not be so construed as to affect any existing contract for carrying the mail.

APPROVED, April 21, 1806.

April 10, 1806.

Acknowledge-
ment of the
sense of Con-
gress of the ser-
vices of the Da-
nish consul at
Tripoli.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to cause to be made known to Nicholas C. Nissen, Esquire, his Danish majesty's consul residing at Tripoli, the high sense entertained by Congress, of his disinterested and benevolent attentions, manifested to Captain Bainbridge, his officers, and crew, during the time of their captivity in Tripoli.

APPROVED, April 10, 1806.

ACTS OF THE NINTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the first day of December, 1806, and ended on the third day of March, 1807.

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; SAMUEL SMITH, President of the Senate pro tempore, on the 3d of March, 1807; NATHANIEL MACON, Speaker of the House of Representatives.

STATUTE II.

CHAPTER I.—*An Act to suspend the operation of an act, intituled "An act to prohibit the importation of certain goods, wares and merchandise," and to remit the penalties incurred under the same.*

Dec. 19, 1806.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of the act, passed on the eighteenth day of April last, intituled "An act to prohibit the importation of certain goods, wares and merchandise," be, and the same hereby is suspended until the first day of July next.

Operation of a former act suspended.
Act of April 18, 1806, ch. 29.

SEC. 2. *And be it further enacted,* That all penalties, fines and forfeitures, which may have been incurred by virtue of the provisions of the aforesaid act, be, and the same hereby are, respectively, remitted, on payment, by the parties, by whom such penalty, fine or forfeiture may have been incurred, of all costs which have accrued, or may accrue before notice of this act shall have been received by the attornies of the several districts of the United States.

Remission of certain penalties, &c.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby authorized further to suspend the operation of the aforesaid act, if in his judgment the public interest should require it: *Provided,* that such suspension shall not extend beyond the second Monday in December next.

Further suspension.

Proviso.

APPROVED, December 19, 1806.

STATUTE II.

CHAP. II.—*An Act making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and seven.*

Jan. 7, 1807.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and seven, the following sums be, and the same hereby are, respectively, appropriated; that is to say:

For the pay and subsistence of the officers and pay of the seamen, two hundred and ninety-six thousand and forty-eight dollars.

Specific appropriations.

For provisions, one hundred and twenty thousand eight hundred and fifty dollars and three cents.

For medicines, instruments, and hospital stores, five thousand dollars.

Specific ap-
propriations.

For repairs of vessels, one hundred and ninety thousand two hundred and eight dollars and sixty-seven cents.

For freight, store rent, commissions to agents, and other contingent expenses, seventy-five thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, seventy-eight thousand six hundred and seventy-eight dollars and thirty cents.

For clothing for the same, fourteen thousand three hundred and sixty dollars.

For military stores for the same, five hundred and sixty dollars.

For medicine, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, one thousand one hundred and fifty dollars.

For quartermaster's and barrack master's stores, officers' travelling expenses, armorer's and carpenter's bills, fuel, premium for enlisting, musical instruments, bounty to music, and other contingent expenses, eight thousand one hundred and forty-five dollars.

For the expense of navy yards, comprising docks and other improvements, pay of superintendents, store-keepers, clerks and labourers, sixty thousand dollars.

For ordnance, fifty thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, January 7, 1807.

STATUTE II.

Jan. 10, 1807.

[Obsolete.]

CHAP. III.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand eight hundred and seven.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of the military establishment of the United States, for the year one thousand eight hundred and seven; for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific ap-
propriations.

For the pay of the army of the United States, three hundred and two thousand nine hundred and fifty-two dollars.

For forage, four thousand six hundred and eight dollars.

For the subsistence of the army and corps of engineers, two hundred and thirty-five thousand five hundred and fifty-two dollars and fifty cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, fifteen thousand dollars.

For camp equipage, fuel, tools and transportation, ninety thousand dollars.

For fortifications, arsenals, magazines and armories, two hundred and eighteen thousand five hundred and forty-two dollars and five cents.

For purchasing maps, plans, books, and instruments, one thousand five hundred dollars.

For contingencies, eighteen thousand dollars.

For the payment of such balances as have been ascertained, and which may be ascertained during the years one thousand eight hundred and six and one thousand eight hundred and seven, from actual settlements by the accountant of the war department, and which cannot be discharged out of any existing appropriation, eight thousand dollars.

For the Indian department, one hundred thousand and six hundred dollars.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, January 10, 1807.

STATUTE II.

CHAP. V.—*An Act to alter the time of holding the circuit and district courts in the district of North Carolina.*

Feb. 4, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of the times heretofore established by law, for the sessions of the circuit court for the district of North Carolina, the said courts shall hereafter commence and be holden on the twelfth day of May, and the twelfth day of November, in each year, any thing contained in any former act or acts to the contrary notwithstanding. And all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, civil or criminal, commenced or to commence in the said court, and all recognizances returnable to the said court, on the twentieth day of June next, shall be continued, returned to, and have day, in the session to be holden by this act, and the same proceedings shall be had thereon as heretofore, and shall have all the effect, power, and virtue, as if the alteration had never been made: *Provided nevertheless*, that when the twelfth day of May, or the twelfth day of November shall happen on Sunday, the next succeeding day shall be the first juridical day of the term.

Sessions of the circuit court changed.

Actions, suits, process, &c. to have day, and made returnable accordingly.

Proviso.

SEC. 2. *And be it further enacted*, That the district courts of the United States for the district of North Carolina, shall, after the passing of this act, commence and be holden on the following days, instead of the times heretofore established by law, that is to say; at Wilmington, in and for the district of Cape Fear, on the first Mondays in February, June and October; at Newbern, in and for the district of Pamptico, on the Friday next after the first Mondays in February, June, and October; and at Edenton, in and for the district of Albemarle, on the first Tuesday which shall follow the Friday next after the first Mondays in February, June and October. And that all actions, suits, writs, process, pleadings or other proceedings, commenced or to commence, or which shall be now depending in any of the district courts of the district of North Carolina, shall be continued over, and have day in the next district court to be holden in the several districts as hereby established, any thing in any former act or acts to the contrary notwithstanding.

Sessions of the district court—also changed.

1808, ch. 29, sec. 3.

Actions, suits, &c. made returnable and to have day, accordingly.

APPROVED, February 4, 1807.

STATUTE II.

CHAP. VIII.—*An Act to provide for surveying the coasts of the United States.*

Feb. 10, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized and requested, to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes, or head lands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts within the extent aforesaid.

President of the U. States authorized to cause a survey of the coast of the U. States to be made, and an accurate chart to be prepared.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to cause such examinations and observa-

President also authorized to

cause examinations to be made with respect to St. George's bank, &c.

President authorized to cause proper persons to be employed, and such of the public vessels as may be wanted, &c.

Act of April 14, 1818, ch. 56. Fifty thousand dollars appropriated.

tions to be made, with respect to St. George's bank, and any other bank or shoal and the soundings and currents beyond the distance aforesaid to the Gulf Stream, as in his opinion may be especially subservient to the commercial interests of the United States.

SEC. 3. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized and requested, for any of the purposes aforesaid, to cause proper and intelligent persons to be employed, and also such of the public vessels in actual service, as he may judge expedient, and to give such instructions for regulating their conduct as to him may appear proper, according to the tenor of this act. (a)

SEC. 4. *And be it further enacted*, That for carrying this act into effect there shall be, and hereby is appropriated, a sum not exceeding fifty thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, February 10, 1807.

STATUTE II.

Feb. 10, 1807.

CHAP. IX.—*An Act authorizing the erection of certain Lighthouses, and the fixing of stakes, buoys and beacons, at certain places therein named.*

Secretary of the Treasury to have light-houses built at Fair Weather and Naushawn islands.

To appoint keepers, &c.
Proviso.

Proviso.

Secretary of the Treasury to cause the light-house at Smith's point to be rebuilt.

Proviso.

Secretary of the Treasury to have the light-house at North island rebuilt.

Secretary of the Treasury to cause buoys and stakes to be fixed in Winyaw bay, and near

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause a good and sufficient lighthouse to be built at each of the following places, that is to say; on Fair Weather island, in the state of Connecticut, and at Naushawn island near Tarpaulin cove, in the state of Massachusetts, at such points as the President of the United States may select for those purposes; and to appoint keepers, and otherwise provide for such light-houses, at the expense of the United States: *Provided*, that sufficient ground for the accommodation of said lighthouses, respectively, can be obtained at a reasonable price: *And provided also*, that the legislatures of the states of Connecticut and Massachusetts shall cede the jurisdiction over each place respectively to the United States.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause the light-house at present established on Smith's point, at the mouth of the river Potomac, to be taken down, and to cause another good and sufficient one to be built at such other spot on the said point, as the President of the United States may select: *Provided*, that sufficient ground for the accommodation thereof, can be obtained at a reasonable price: *And provided also*, that the legislature of the state of Virginia shall cede the jurisdiction over the same to the United States. And the Secretary of the Treasury is hereby further authorized and directed to cause the lighthouse heretofore established on North island, at the entrance into Winyaw bay, in the state of South Carolina, to be rebuilt in such manner as may in his opinion be most likely to secure its future safety.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause proper and sufficient buoys and stakes to be fixed in, and along the channel in Winyaw bay, leading to the harbor of Georgetown, in the state of South Carolina: and also, to cause proper and sufficient buoys and beacons to

(a) Coast Survey.—By an act for the repeal of part of this act, passed April 14, 1818, chap. 56, no persons but those belonging to the army are to be employed in the coast survey.

By the 1st section of the act of June 17, 1844, chap. 65, officers of the army and navy shall, as far as practicable, be employed in the coast survey, wherever, and in the manner required by the department having charge thereof.

By an act passed June 3, 1844, maps and charts of the survey of the coast are to be disposed of at such prices as may be fixed by the Secretary of the Treasury; and copies of the same shall be presented to "foreign governments, departments of our own government, and literary and scientific associations."

be placed on, or near the rocks and shoals in the channel leading into the harbor of Salem, in the state of Massachusetts.

SEC. 4. *And be it further enacted*, That for the purpose of defraying the expenses which may be incurred in the execution of this act, the following sums shall be, and the same are hereby respectively appropriated, to be paid out of any monies in the treasury, not otherwise appropriated: that is to say, for building the lighthouse on Fair Weather island, five thousand dollars; for building the lighthouse at Naushawn island, two thousand five hundred dollars; for pulling down, and rebuilding the lighthouse on Smith's point, six thousand dollars; for rebuilding the lighthouse on North island, twenty thousand dollars; for fixing buoys and stakes in Winyaw bay, one thousand five hundred dollars; for fixing buoys and beacons in the channel leading to Salem harbor, one thousand five hundred dollars.

APPROVED, February 10, 1807.

the shoals and rocks leading to Salem.

Specific appropriations.

STATUTE II.

CHAP. XII.—*An Act supplementary to the act, intituled "An act making provision for the redemption of the whole of the public debt of the United States."*(a)

Feb. 11, 1807.

WHEREAS it is desirable to adapt the nature of the provision for the redemption of the public debt to the present circumstances of the United States, which can only be done by a voluntary subscription on the part of the creditors:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a subscription to the full amount of the old six per cent. deferred and three per cent. stocks be, and the same is hereby proposed; for which purpose books shall be opened at the treasury of the United States, and by the several commissioners of loans, on the first day of July next, to continue open until the seventeenth day of March next following, inclusively, the fourteen last days of each quarter excepted, for such parts of the above mentioned descriptions of stock, as shall, on the day of subscription, stand on the books of the treasury, and of the several commissioners of loans, respectively; which subscription shall be effected by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock subscribed.

SEC. 2. *And be it further enacted*, That for the whole or any part of any sum which shall thus be subscribed, in old six per cent. or deferred stock, credits shall be entered to the respective subscribers, and the subscriber or subscribers shall be entitled to a certificate, or certificates, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the amount of principal of the stock thus subscribed, which shall remain unredeemed on the day of such subscription, bearing an interest of six per centum per annum, payable quarter yearly, from the first day of the quarter, during which such subscription shall have been made, transferable in the same manner as is provided by law for the transfers of the

The redemption of the public debt can only be done by voluntary subscription.

Act of April 29, 1802, ch. 32.

Subscription books to the full amount of the old 6 per cent. deferred and 3 per cent. stock, to be opened at the treasury and the several loan offices.

Mode of effecting the subscription.

Credits to be given for any sums subscribed in old 6 per cent. stock, and new certificates given in 6 per cent. stock.

Subject to redemption at the pleasure of the United States.

(a) The acts for the redemption of the public debt, have been:—

An act making further provision for the support of public credit, and for the redemption of the public debt, March 3, 1795, chap. 45, "1790, chap. 47."

An act making provision for the redemption of the whole of the public debt of the United States, April 29, 1802, chap. 32.

An act supplementary to the act entitled, "An act making provision for the redemption of the whole of the public debt of the United States," February 11, 1807, chap. 12.

An act supplementary to the act entitled, "An act making further provision for the support of public credit, and for the redemption of the public debt," &c., June 28, 1809, chap. 10.

An act to provide for the redemption of the public debt, March 3, 1817, chap. 87.

An act to authorize the commissioners of the sinking fund to redeem the public debt of the United States, April 24, 1830, chap. 78.

Proviso as to reimbursement.
Notice to be given previous to reimbursement.

At what rate credits are to be given for 3 per cent. stock subscribed.

Sums subscribed to bear an interest of 6 per cent.

When reimbursable.

Commissioners of the sinking fund to appoint agents in London and Amsterdam; their duties.

Interest on certificates issued by agents.

Dividend on the old 6 per cent. stock to be paid to subscribers.

Agents to transmit abstracts of the certificates of stock subscribed to the register of the treasury, &c.

Agents to take an oath, &c.

stock subscribed, and subject to redemption at the pleasure of the United States: *Provided*, that no single certificate shall be issued for an amount greater than ten thousand dollars: *And provided further*, that no reimbursement shall be made except for the whole amount of any such new certificate, nor till after at least six months' previous public notice of such intended reimbursement.

SEC. 3. *And be it further enacted*, That for the whole or any part of any sum which shall thus be subscribed in three per cent. stock, credits shall likewise be entered to the respective subscribers; and the subscriber, or subscribers, shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to sixty-five per centum of the amount of the principal of the stock thus subscribed, bearing an interest of six per centum, per annum, payable quarter yearly, from the first day of the quarter, during which such subscription shall have been made, and transferable and subject to redemption in the same manner, and under the same regulations and restrictions, as the stock created by the preceding section of this act: *Provided*, that no part of the stock thus created, shall be reimbursable without the assent of the holder, or holders of such stock, until after the whole of the eight per cent. and four and a half per cent. stocks, as well as all the six per cent. stock which may be created by virtue of the preceding section, shall have been redeemed.

SEC. 4. *And be it further enacted*, That the commissioners of the sinking fund shall be, and they are hereby authorized to appoint an agent in London, and another in Amsterdam, whose duty it shall be to receive subscriptions and transfers, and to issue new certificates in the manner, and at the times above mentioned, and as the officers of the treasury department, or the commissioners of loans might do; that is to say, the agent in London in favour of such stockholders residing in the dominions of Great Britain, in Europe, and the agent in Amsterdam, in favour of such stockholders, residing in any other part of Europe, as may respectively become subscribers: *Provided*, that the certificates issued by the said agents shall bear interest only from the first day of the quarter next succeeding that in which the subscription shall have taken place, and that in relation to subscriptions made in old six per cent. or deferred stocks, the sums expressed in such new certificates shall be equal to the amount of the principal of the old six per cent. or deferred stocks thus subscribed, which shall remain unredeemed after payment of the dividend payable on such stock, on that day from which the interest on the new certificates shall commence. The foreign stockholders thus subscribing with either of the said agents shall be entitled to receive the dividend on the old six per cent. deferred, or three per cent. stock subscribed by them, respectively, which shall be payable on that day, from which the interest on the new certificates shall commence. And it shall be the duty of the said agents, respectively, to transmit, before the end of each quarter, to the register of the treasury, and to the several commissioners of loans, respectively, triplicate abstracts of the certificates of stocks subscribed, and of the new certificates issued by them, during such quarter, in order that the proper credits may be entered on the books of the treasury, and of the commissioners of loans, as the case may be, to the holders of such new certificates. And the said agents before they enter upon the execution of their several offices, shall, respectively, take an oath or affirmation for the diligent and faithful execution of their trust, and shall also become bound with one or more sureties to the satisfaction of the commissioners of the sinking fund, or of the Secretary of the Treasury, in the penal sum of twenty thousand dollars, with condition for their good behaviour in their said offices.

SEC. 5. *And be it further enacted*, That the holders of old six per cent. deferred, or three per cent. stock, who may become subscribers, as aforesaid, either in the United States or in Europe, and who, on the first day of July next, and also on the day of the subscription, shall be resident in Europe, may at their option, which must be made at the time of subscribing, receive the interest accruing on the stock created by virtue of the preceding sections of this act, either in the United States as other creditors, or at London, or Amsterdam: that is to say, the stockholders residing, at the times above mentioned, in the dominions of Great Britain, in Europe, at London, and at the rate of four shillings and sixpence, sterling, for each dollar; and the stockholders residing, at the times above mentioned, in any other part of Europe, at Amsterdam, and at the rate of two guilders and a half guilder, current money of Holland, for each dollar; in which last mentioned option the condition shall be expressed in the new certificates to be issued, and the credit, or credits, to be given to the proprietors thereof, shall be entered, and shall thereafter be transferable only on the books of the treasury: *Provided however*, that the interest thus payable in London and Amsterdam, shall not be payable until the expiration of six calendar months from the day on which the same would be payable in the United States, and shall be subject to a deduction of one half of one per cent. on the amount payable, for commission to the bankers paying the same: *And provided also*, that every proprietor of such stock may, on surrendering his certificate, receive another to the same amount, the interest whereof shall be payable quarter yearly in the United States, in the same manner as that accruing on the stock held by persons residing in the United States.

SEC. 6. *And be it further enacted*, That the same funds which heretofore have been, and now are, pledged, by law, for the payment of the interest, and for the redemption or reimbursement of the stock which may be subscribed by virtue of the provisions of this act, shall remain pledged for the payment of interest accruing on the stock created by reason of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the commissioners of the sinking fund to cause to be applied, and paid out of the said fund, yearly, and every year, such sum, and sums, as may be annually wanted to discharge the annual interest and charges accruing on the stock which may be created by virtue of this act. The said commissioners are hereby authorized to apply, from time to time, such sum and sums, out of the said fund, as they may think proper, towards redeeming, by purchase, or by reimbursement, in conformity with the provisions of this act, the principal of the said stock. And the annual sum of eight millions of dollars, vested by law in the said commissioners, shall be, and continue appropriated to the payment of interest and redemption of the public debt, until the whole of the stock which may be created by the preceding sections of this act, shall have been redeemed, or reimbursed.

SEC. 7. *And be it further enacted*, That there shall be allowed to each of the agents to be appointed by virtue of this act, in addition to the necessary expenses incurred by them for printing, stationery, and postage, a sum of three thousand dollars, as a full compensation for their services. The said agents, and the commissioners of loans, shall also be allowed such additional sum as may be actually and necessarily expended for the clerk hire requisite for carrying this act into effect. And for defraying the said compensations and allowances, and such other contingent charges as may be incurred for carrying this act into effect, a sum not exceeding sixteen thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, is hereby appropriated.

SEC. 8. *And be it further enacted*, That whensoever notice of reimbursement shall be given, as prescribed by the second and third sections

Foreign stockholders may receive the interest on the stock subscribed by them, either in Europe or the United States.

Rate of the pound sterling.

Rate of guilders.

Dividend payable in London and Amsterdam.

Every proprietor on surrendering of certificate to receive another, the interest payable quarterly in the United States.

Funds now pledged for the payment of interest and the reimbursement of principal of the public debt to remain pledged for the payment of interest and reimbursement of principal of stock subscribed.

Commissioners of sinking fund to cause to be applied, annually, such sums as may be required for the interest and charges: and so much as they may think proper towards redeeming, &c.

Eight millions to remain appropriated, &c.

Allowance to commissioners under this act.

Their expenses, &c. to be defrayed.

Allowance to commissioners of loans and agents for clerk hire.

Certificates intended to be re-

imbursed to be designated.

In every reimbursement the preference to be given to such holders of certificates as may have given notice of their wish to be reimbursed.

Secretary of the Treasury to determine by lot, &c.

Agents and commissioners of loans to perform such regulations as shall be prescribed by the Secretary of the Treasury.

Saving of the rights of non-subscribers to the loan created by this act.

of this act, the certificates intended to be reimbursed, shall be designated therein. In every reimbursement the preference shall be given to such holders of certificates as, previous to the said notice, shall have notified in writing to the treasury department their wish to be reimbursed. If there should not be applications to the treasury sufficient to require the payment of the whole sum to be applied to that purpose, the Secretary of the Treasury, after paying off all sums for the payment of which application shall have been made, shall determine, by lot, what other certificates shall be reimbursed so as to make up the whole amount to be discharged: and in case the applications shall exceed the amount to be discharged, the Secretary of the Treasury shall proceed to determine, by lot, what applications shall be entitled to priority of payment.

SEC. 9. *And be it further enacted*, That the agents appointed by virtue of this act, and the several commissioners of loans, shall observe and perform such directions and regulations, as shall be prescribed to them by the Secretary of the Treasury, touching the execution of this act.

SEC. 10. *And be it further enacted*, That nothing in this act contained shall be construed, in any wise, to alter, abridge, or impair the rights of those creditors of the United States, who shall not subscribe to the loan created by virtue of this act.

APPROVED, February 11, 1807.

STATUTE II.

Feb. 13, 1807.

Act of Sept. 24, 1789, ch. 20.

A co-ordinate power of granting writs of injunction conferred upon the judges of the district courts in cases before the circuit courts of their districts.

Proviso

CHAP. XIII.—*An Act to extend the power of granting writs of injunctions to the judges of the district courts of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the judges of the district courts of the United States shall have as full power to grant writs of injunctions to operate within their respective districts, in all cases which may come before the circuit courts within their respective districts, as is now exercised by any of the judges of the supreme court of the United States, under the same rules, regulations and restrictions, as are prescribed by the several acts of Congress, establishing the judiciary of the United States, any law to the contrary notwithstanding: *Provided*, that the same shall not, unless so ordered by the circuit court, continue longer than to the circuit court next ensuing, nor shall an injunction be issued by a district judge, in any case where a party has had a reasonable time to apply to the circuit court for the writ.

APPROVED, February 13, 1807.

STATUTE II.

Feb. 13, 1807.

Act of March 2, 1799, ch. 22, sec. 17.

Act of March 2, 1811, ch. 33, sec. 7.

All the shores and waters of the Ohio and its branches, and of the Mississippi and its branches added to the district of Mississippi.

Surveyors to be appointed for Pittsburg, &c.

CHAP. XIV.—*An Act to annex certain shores and waters to the district of Mississippi; and to authorize the building a custom-house at New Orleans.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June next, all the shores and waters of the river Ohio, and of the several rivers and creeks emptying into the same; and also, all the shores and waters of the rivers which empty into the river Mississippi, or any of its branches, be, and the same are hereby annexed to, and shall make part of the district of Mississippi.

SEC. 2. *And be it further enacted*, That a surveyor shall be appointed for each of the following towns or places, that is to say; Pittsburg, Charlestown, Marietta, Cincinnati, Limestone, Louisville, Massac, and Natchez, who shall be authorized to grant temporary registers to vessels of the United States, in the same manner and on the same terms and conditions as may be done by the collectors of the several districts of

the United States; and each of the said surveyors, besides the fees paid in relation to the admeasurement, and registering of vessels, shall receive an annual salary of one hundred and fifty dollars.

SEC. 3. *And be it further enacted*, That the collector of the district of Mississippi shall, on the surrender of any temporary register, granted to a vessel of the United States as aforesaid, issue a permanent register for such vessel: *Provided*, that the master of such vessel shall take the usual oath, and perform all the other conditions required by the registering act, except that he shall not be obliged to give any new bond to the said collector.

SEC. 4. *And be it further enacted*, That so much of any act or acts as erects any of the shores or waters, annexed by this act to the Mississippi district, into separate districts, be, and the same is hereby repealed.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is authorized and directed to cause to be built upon some convenient site, belonging to the United States, in the city of New Orleans, a good and sufficient house, to serve as an office and place of deposit for the collector of the customs at that place. And the sum of twenty thousand dollars is hereby appropriated to defray the expense of erecting the same, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, February 13, 1807.

CHAP. XV.—*An Act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, not exceeding thirty thousand men, who shall be clothed, and furnished with horses, at their own expense, and armed and equipped at the expense of the United States, after they shall be called into service, except such of them as may choose to furnish their own arms, and whose commissioned officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies shall, respectively, belong: *Provided*, that where any company, battalion, regiment, brigade, or division of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, regiment, brigade or division shall continue to be commanded by the officers holding commissions in the same, at the time of such tender, and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the state or territory, wherein the said company, battalion, regiment, brigade, or division shall have been originally raised.

SEC. 2. *And be it further enacted*, That any company, battalion, regiment, brigade, or division, thus offering itself for the service, shall be liable to be called upon to do military duty at any time the President of the United States shall judge proper, within two years after he shall accept the same, and shall be bound to continue in service for the term of twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged, and when called into actual service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay, rations, forage and emoluments of every kind, bounty and clothing excepted, with the regular troops of the United States. *Provided*, that in lieu of clothing, every non-commissioned officer and private, in any company, who may thus offer them-

Their powers and emoluments.

Permanent registers to be issued by the collector of Mississippi.

Proviso.

Repeal of any act making separate districts of the shores and waters referred to.

Secretary of the Treasury to cause a custom-house to be built at N. Orleans.

STATUTE II.

Feb. 24, 1807.

[Obsolete.]

President authorized to accept of the services of volunteer corps.

How to be officered, equipped, &c.

Corps offering themselves liable to be called upon to do duty, &c.

How long to continue in service, &c.

Pay, &c.

Proviso.

selves, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer, or private (as the case may be) in the regular troops of the United States.

President authorized to have them organized, when called into service.

In the mean time they are to perform militia duty, &c.

Volunteers to be saved harmless except in cases of negligence or accidental losses and damage.

Specific appropriation.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to organize the companies so tendering their service, as aforesaid, into battalions, squadrons, regiments, brigades, and divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; but until called into actual service, such companies shall be bound to do regular militia duty as is required by law in like manner as before the passage of this act.

SEC. 4. *And be it further enacted*, That in case any volunteer above mentioned, while in actual service, shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expense, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct, shall be allowed and paid to such volunteer for each and every such damage or loss.

SEC. 5. *And be it further enacted*, That the sum of five hundred thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby is appropriated towards defraying any expense incurred by virtue of the provisions of this act.

APPROVED, February 24, 1807.

STATUTE II.

Feb. 24, 1807.

Repeal of so much of any act as gives jurisdiction of circuit to the district courts of Kentucky, E. and W. Tennessee, and Ohio.

Act of March 23, 1804, ch. 31, sec. 6.

Districts established for the circuit courts.

These districts to compose the seventh circuit.

Sessions of the circuit courts, and places where to be held.

Kentucky.

Act of March 22, 1808, ch. 38, sec. 1, 2, 3, 4.

Tennessee.

Ohio.

1797, ch. 2.

All the authority, &c. vested in the several circuit courts, vested in this court.

Causes, &c. returnable to the circuit court and tried therein.

CHAP. XVI.—*An Act establishing Circuit Courts, and abridging the jurisdiction of the district courts in the districts of Kentucky, Tennessee and Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of any act or acts of Congress, as vests in the district courts of the United States, in the districts of Kentucky, East and West Tennessee and Ohio, the powers, authority and jurisdiction of the circuit courts of the United States, shall be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That for the purpose of holding therein the circuit courts, to be established by this act; the state of Kentucky shall constitute one district, the state of Tennessee one district, and the state of Ohio one district, and the said districts of Kentucky, Tennessee, and Ohio, shall constitute and be denominated the seventh circuit. And there shall be holden annually in each district of the said circuit, two courts, to be called circuit courts, and to consist of one justice of the supreme court of the United States, and the judge of the district where such court shall be holden. And the sessions of the said courts, in the district of Kentucky, shall be held at Frankfort, and commence on the first Monday in May and November, annually; in the district of Tennessee, at Knoxville and Nashville, alternately, to commence on the first Monday in June and third Monday in October, annually, beginning at Nashville; and in the district of Ohio, at Chillicothe, to commence on the first Monday in January and September, annually. And the circuit court of Tennessee, shall designate at which of the two places where the said court is hereby directed to be holden, the office of clerk thereof shall be kept.

SEC. 3. *Be it further enacted*, That all the authority, powers and jurisdiction, vested in the several circuit courts of the United States, or the judges thereof, or either of them, shall be, and hereby are vested in, and may be exercised by the several circuit courts of the seventh circuit, and the judges thereof: and that all actions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, which shall be returnable to, or depending in the several district courts of Kentucky, Tennessee and Ohio, acting as circuit courts, on the first day of May

next, shall be, and hereby are declared to be respectively transferred, returnable, and continued, to the several circuit courts constituted by this act, at the times herein appointed for the session of each of the said courts, and shall be heard, tried, and determined therein, in the same manner, and with the same effect, as if no change had been made hereby in the courts of the said district. And the said circuit courts of the seventh circuit, shall be governed by the same laws and regulations as apply to the other circuit courts of the United States, and shall appoint clerks for the said courts respectively, who shall reside, and keep the records of the said courts, at the places of holding the courts, whereto they shall respectively belong, except as herein before provided, and shall perform the same duties, and be entitled to, and receive the same emoluments and fees, respectively, which are by law established for the clerks of the other circuit courts of the United States.

The circuit courts of the seventh circuit to be governed by the same laws as other circuit courts.

SEC. 4. *Be it further enacted*, That the state of Tennessee shall be divided into two districts, for the purpose of holding district courts in the same, one to consist of that part thereof, which by the laws of the said state, now forms the districts of Washington and Hamilton, which shall be called the district of East Tennessee; and one other to consist of all that part of the state of Tennessee, which by the laws of the said state now forms the districts of Winchester, Mero and Robertson, which shall be called the district of West Tennessee; and all the authority, powers and jurisdiction, vested in the several district courts of the United States, and the judges thereof, in those districts in which circuit courts are now held, shall be retained, and may be exercised by the several district courts of Kentucky, East and West Tennessee, and Ohio, and the several judges thereof. And the sessions of the said district courts shall, after the first day of May next, be as follows: in Kentucky, at Frankfort, two sessions, to commence on the first Mondays in June and December, annually; in East Tennessee, at Knoxville, two sessions, to commence on the third Monday in April and second Monday in October, annually; and at Nashville, two sessions, to commence on the fourth Mondays in May and November, annually; and in Ohio, at Chillicothe, three sessions, to commence on the first Mondays in February, June and October, annually; and all actions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, which shall have been issued, and shall be returnable to, or depending in the said several district courts of the United States, acting as district courts, on the said first day of May next, shall be returned and held continued to the said several district courts, respectively, at the times herein before appointed for holding the same.

State of Tennessee to be divided into two districts, &c.

East Tennessee.

West Tennessee.

Ohio.

Act of March 26, 1810, ch. 18. 1809, ch. 14.

SEC. 5. *Be it further enacted*, That the supreme court of the United States shall hereafter consist of a chief justice, and six associate justices, any law to (the) contrary notwithstanding. And for this purpose there shall be appointed a sixth associate justice, to reside in the seventh circuit, whose duty it shall be, until he is otherwise allotted, to attend the circuit courts of the said seventh circuit, and the supreme court of the United States, and who shall take the same oath, and be entitled to the same salary as are required of, and provided for the other associate justices of the United States.

Supreme court to consist in future of seven judges, &c.

APPROVED, February 24, 1807.

STATUTE II.

CHAP. XVII.—*An Act to continue in force for a further time, an act intituled "An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo."*

Feb. 24, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act to suspend the commercial intercourse between the United States

Former act continued in force.

Act of Feb.
28, 1806, ch. 9.

Prohibitions
of former act
extended fur-
ther.

and certain parts of the island of St. Domingo," passed on the twenty-eighth day of February, one thousand eight hundred and six, be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted*, That the prohibitions and provisions of the aforesaid act shall be construed, and are hereby declared to extend to Gonoave and Tortuga, and to any other dependency of the said island of St. Domingo, not in possession of, or under the acknowledged government of France.

APPROVED, February 24, 1807.

STATUTE II.

Feb. 24, 1807.

CHAP. XVIII.—*An Act further supplementary to the act, intituled "An act concerning the District of Columbia."*

Act of Feb.
27, 1801, ch. 15.
Act of May 3,
1802, ch. 53.

Provisions of
a former act re-
specting writs
of *capias ad sa-
tisfaciendum* re-
pealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act, intituled "An act additional to, and amendatory of an act, intituled An act concerning the district of Columbia," as directs that no *capias ad satisfaciendum* shall thereafter issue on any judgment rendered by a single magistrate, or in any case where the judgment shall not exceed twenty dollars, shall be, and the same is hereby repealed, and in all such cases a writ or writs of *capias ad satisfaciendum* may hereafter issue, any thing in the said recited act to the contrary notwithstanding.

Said writs
made returnable
as if that act
had not passed,
&c.

SEC. 2. *And be it further enacted*, That such writs of *capias ad satisfaciendum* shall be issued, directed, and made returnable in like manner, and the clerk and constable shall be entitled to the same fees therein, as the said act herein before recited directs and allows in cases of executions against the goods and chattels of the debtor.

Part of former
act repealed.

SEC. 3. *And be it further enacted*, That the eighth section of the aforesaid act shall be, and the same is hereby also repealed.

APPROVED, February 24, 1807.

STATUTE II.

Feb. 24, 1807.

CHAP. XIX.—*An Act respecting seizures made under the authority of the United States, and for other purposes.*

Costs to be
paid by claim-
ants when there
was a reasona-
ble cause for
seizure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, and judgment shall be given for the claimant or claimants, if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof: and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit or judgment on account of such seizure and prosecution: (a) *Provided*, that the ship or vessel, goods, wares, or

Proviso.

(a) Seizure. "Probable cause" means less than evidence which would justify condemnation. It imports a seizure made under circumstances which warrant suspicion. *Locke v. The United States*, 7 Cranch, 339; 2 Cond. Rep. 521.

A doubt concerning the construction of a law, may be a good ground for seizure, and authorize a certificate of probable cause. *The United States v. Riddle*, 5 Cranch, 311; 2 Cond. Rep. 266.

If a collector justify the detention of a vessel under the 11th section of the embargo law of April 25, 1808, he need not show that his opinion was correct, nor that he used reasonable care and diligence in ascertaining the facts upon which his opinion was founded. It is sufficient if he honestly entertained the opinion in which he acted. *Otis v. Watkins*, 9 Cranch, 339; 3 Cond. Rep. 424.

Where a seizure for a breach of the laws of the United States, is finally adjudged wrongful and without probable cause by the courts, the party may proceed, at his election, by a suit at common law, or in the instance court of the admiralty for the illegal act. But the common law remedy in such cases must be sought in the state courts, the courts of the United States having no jurisdiction to decide on the conduct of their officers in the execution of their laws, in suits at common law, until the case shall have passed through the state courts. *Slocum v. Mayberry et al.*, 2 Wheat. 1; 4 Cond. Rep. 1.

merchandise be, after judgment, forthwith returned to such claimant or claimants, his, her, or their agent or agents.

SEC. 2. *And be it further enacted*, That the accounting officers of the treasury be, and they are hereby authorized and directed to allow to the collector of New York, in the settlement of his accounts, the amount of damages and costs recovered from and paid by him, by virtue of judgments rendered in the supreme court of the state of New York, on account of the seizure of the ship *Liberty*, and of the ship *Two Marys*; which vessels had been seized and labelled for a presumed infraction of the provisions of the act, intitled "An act concerning the registering and recording of ships or vessels."

APPROVED, February 24, 1807.

Officers of the treasury to allow the collector of New York for certain sums recovered of him, &c.

1792, ch. 1.

STATUTE II.

CHAP. XX.—*An Act to punish frauds committed on the Bank of the United States.*(a)

Feb. 24, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note issued by order of the president, directors and company of the Bank of the United States, or any order or check on the said bank or corporation, or any cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the president, directors and company of the Bank of the United States, or any order or check, on the said bank or corporation, or any cashier thereof, or shall pass, utter

Act of April 10, 1816, ch. 44, sec. 18.

Punishment for falsely making, forging, or counterfeiting notes of the Bank of the U. States.

If a suit be brought against the seizing officer for a supposed trespass in making a seizure of a vessel for a supposed forfeiture, while the suit is depending, the fact of such pendency may be pleaded in abatement, or as a temporary bar to the action; if after a decree of condemnation, then that fact may be pleaded as a bar; if after an acquittal without a certificate of probable cause, then the officer is without any justification for the seizure, and it is definitively settled to be a tortious act. *Gelston et al. v. Hoyt*, 3 Wheat. 246; 4 Cond. Rep. 244.

To justify a seizure there must be probable cause of seizure; and if an officer of the customs seize without probable cause, no indictment lies for resisting him in the seizure, for he is not in the execution of his office. *United States v. Gay*, 2 Gallis. C. C. R. 359.

Seizures for breach of municipal laws, are made at the peril of the seizers. If made without probable cause, the seizers are liable for all the consequences; for the act is construed a tortious act, and his diligence for the preservation of the property, is no defence against losses occasioned by the superior force, or inevitable casualty. *Burke v. Trevitt*, 1 Mason's C. C. R. 96.

(a) Indictment in the circuit court of North Carolina, for the forging of, and an attempt to pass a certain paper writing in imitation of, and purporting to be, a bill or note issued by the president and directors of the Bank of the United States, provided in the 18th section of the act of 1816, establishing the Bank of the United States. The note was signed with the name of "John Huske," who had not been at any time president of the Bank of the United States; but who at the date of the counterfeiting was president of the office of discount at Fayetteville; and was countersigned by the name of "John W. Sanford," who at no time was cashier of the mother Bank, but was at the said date cashier of the said office of discount and deposit. Held, that this was an offence within the provisions of the law. *United States v. Turner*, 7 Peters, 132.

Indictment on the 18th section of the act of Congress, entitled, "An act to incorporate the Bank of the United States," passed April 15, 1816. The indictment charged the defendant with uttering and forging "a counterfeit bill in imitation of a bill used by the president, &c., of the bank." The forged paper was in these words and figures: "Cashier of the Bank of the United States, pay C. W. Earnest or order, five dollars. Office of discount and deposit in Pittsburg, 10th day of December, 1829. A. Brackenridge, Pres't, J. Correy, Cash'r." "Pay bearer, C. W. Earnest." Held, that a genuine instrument of which the forged and counterfeited instrument is an imitation, is not a bill issued by order of the president of the Bank of the United States, according to the true intent and meaning of the 18th section of the act incorporating the bank. *The United States v. Brewster*, 7 Peters, 164.

Counterfeiting an indorsement on a post note of the Bank of the United States, is not an offence under the 18th section of the act incorporating the bank. *United States v. Stewart*, 4 Wash. C. C. R. 226.

In a prosecution for forging the notes of the Bank of the United States, it is not necessary to prove that it was committed with intention to defraud some corporation or person, and that the notes stated in the indictment, and given in evidence as forged, and those alleged to be forged, are the same. *United States v. Reuben Moses*, 4 Wash. C. C. R. 726.

An order on the cashier of the Bank of the United States, is evidence for supporting an indictment for forging an order on the cashier of the corporation of the Bank of the United States. *United States v. Hinman*, Baldwin's C. C. R. 292.

or publish, or attempt to pass, utter or publish as true, any false, forged, or counterfeited bill, or note, purporting to be a bill, or note, issued by order of the president, directors and company of the Bank of the United States, or any false, forged, or counterfeited order or check, upon the said bank or corporation, or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, or attempt to pass, utter or publish, as true, any falsely altered bill or note, issued by order of the president, directors and company of the Bank of the United States, or any falsely altered order or check, on the said bank or corporation, or any cashier thereof, knowing the same to be falsely altered with intention to defraud the said corporation, or any other body politic, or person; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labour, for a period not less than three years, nor more than ten years, or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars: *Provided*, that nothing herein contained shall be construed to deprive the courts of the individual states of a jurisdiction under the laws of the several states, over the offence, declared punishable by this act.

Or checks or orders thereon.

Saving of the jurisdiction of state courts.

Repeal of act of June 27, 1798, ch. 61.

SEC. 2. *And be it further enacted*, That the act, intitled "An act to punish frauds committed on the Bank of the United States," passed the twenty-seventh day of June, one thousand seven hundred and ninety-eight, shall be and the same is hereby repealed: *Provided nevertheless*, that the repeal of the said act shall not be so construed, as to prevent the trial, condemnation or punishment of any person, or persons, charged with or guilty of a violation of any of its provisions, previous to the passing of this act.

APPROVED, February 24, 1807.

STATUTE II.

March 2, 1807.

Act of Aug. 10, 1790, ch. 40.

Act of June 9, 1794, ch. 62.

Act of June 26, 1812, ch. 109.

CHAP. XXI.—*An Act to extend the time for locating Virginia military [land] warrants, for returning surveys thereon to the office of the Secretary of the department of War, and appropriating lands for the use of schools, in the Virginia military reservation, in lieu of those heretofore appropriated.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers and soldiers

(a) Under the reserve contained in the cession act of Virginia, and under the acts of Congress of August 10, 1790, and of June 9, 1794, the whole country lying between the Sciota and Little Miami rivers, was subjected to military warrants, to satisfy which the reserve was made. *Doddridge v. Thompson*, 9 Wheat. 469; 5 Cond. Rep. 645.

The territory lying between the two rivers, is the whole country from their sources to their mouths; and if no branch of either of them has acquired the name exclusively of another, the main branch to its source must be considered the true river. *Ibid*.

The act of June 26, 1812, to ascertain the western boundary of the tract reserved for military warrants, and which provisionally designates Ludlow's line, as the western boundary, did not invalidate the title to the land between that line and Roberts's line, acquired under a Virginia military warrant previous to the passage of that act. *Ibid*.

The land between Ludlow's and Roberts's line was not withdrawn from the territory liable to be surveyed for military warrants by any act of Congress passed before the act of June 12, 1812. *Ibid*.

The reservation made by the law of Virginia of 1783, ceding to Congress the territory northwest of the river Ohio, is not a reservation of the whole tract of country between the rivers Sciota and Little Miami. It is a reservation of only so much as may be necessary to make up any deficiency of good land in the country set apart for the officers and soldiers of the Virginia line on continental establishment, on the southeast side of the Ohio. The residue of the lands are ceded to the United States as a common fund for those states who come or might become members of the Union; to be disposed of for that purpose. *Jackson v. Clarke et al.*, 1 Peters, 635.

Although the military lands constituted the primary claim upon the trust, that claim was according to the intention of the parties so to be satisfied, as still to keep in view the interests of the Union, which were also vital objects of the trust. This was only to be effected by prescribing the time in which the lands to be appropriated by those claimants should be separated from the general mass, so as to enable the government to apply the residue to the general purposes of the trust. *Ibid*.

If the right existed in Congress to prescribe the time in which military warrants should be located, the right to annex conditions to its extension, follows as a necessary consequence. *Ibid*.

If it be conceded that the proviso in the act of March 2, 1807, was not intended for the protection of surveys which were in themselves absolutely void, it must be admitted that it was intended to protect

of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty lands within the tract reserved by Virginia, between the little Miami and Scioto rivers, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed a further time of three years, from the twenty-third of March next, to complete their locations, and a further time of five years from the said twenty-third of March next, to return their surveys and warrants, or certified copies of warrants, to the office of the Secretary of the War department, any thing in the act intituled "An act to ascertain the boundary of the lands reserved by the state of Virginia, northwest of the river Ohio, for the satisfaction of her officers and soldiers on continental establishment, and to limit the period for locating the said lands," to the contrary notwithstanding: *Provided*, that no locations, as aforesaid, within the above mentioned tract, shall, after the passing of this act, be made on tracts of land for which patents had previously been issued, or which had been previously surveyed, and any patent which may nevertheless be obtained for land located contrary to the provisions of this section, shall be considered as null and void.

A further time allowed for completing locations.

1804, ch. 33.

Proviso.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby authorized to obtain copies of all the locations and surveys, which have been, or may be made within the above mentioned tract, and to cause to be run or surveyed, as many straight lines across the same, as he may deem necessary, not exceeding three: and from these and such other documents as may be obtained, to cause to be made a general connected plat of all the lands located and surveyed within the same; a copy of which shall be deposited in the war department, and another copy shall be laid before Congress, together with an estimate of the surplus which may remain, after satisfying the bounties above mentioned. And the expenses incurred in surveying the lines, and obtaining the copies aforesaid, and in preparing the general plat above mentioned, shall be defrayed out of the monies appropriated for completing the surveys of the public lands northwest of the river Ohio.

Secretary of the Treasury to cause a general and connected plat to be made.

Copies thereof, how to be disposed of.

Expense—how defrayed.

SEC. 3. *And be it further enacted*, That eighteen quarter townships and three sections, to be selected by the Secretary of the Treasury, by lot, in that tract of land in the state of Ohio, lately purchased from the Indians, and lying between the tract commonly called the United States military tract, and the tract commonly called the Connecticut reserve, be, and the same are hereby appropriated for the use of schools, in that tract of land in the state aforesaid, commonly called "the Virginia military reservation," and be vested in the legislature of that state, in trust for the use aforesaid, and for no other use, intent, or purpose whatever; which said eighteen quarter townships and three sections, are thus appropriated, and vested in lieu of the one thirty-sixth part of the tract aforesaid, called the "Virginia military reservation," which by a former act had been appropriated and vested as aforesaid, for the use of schools within the same: *Provided however*, that no quarter townships, including the section number sixteen of such township, shall be selected as aforesaid for the purpose above mentioned. *And provided also*, and it is hereby understood and declared, that the said eighteen quarter town-

A portion of the "Virginia military reservation," to be vested in the state of Ohio, for the use of schools.

Limitation.

those which were defective, and which might be avoided for irregularity. If this effect be denied to the proviso it becomes itself a nullity. *Ibid*.

Lands surveyed are as completely withdrawn from the common mass, as lands patented. It cannot be said that the prohibition that "no location shall be made on tracts of land for which patents have previously been issued, or which had been previously surveyed," was intended only for valid and regular surveys. They did not require legislative aid. The clause was introduced for the protection of defective entries and surveys, which might be made in quiet times. *Ibid*.

Under the peculiar system of the Virginia land law, as it has been settled in Kentucky and the military district in Ohio, by usages adapted to the circumstances of the country, many principles are established, which are unknown to the common law. A long course of adjudication has fixed these principles, and they are considered as the settled rules by which these military titles are to be governed. *Galt v. Gallo-way*, 4 Peters, 343.

Legislature of Ohio to accept this grant in lieu of the part of the Virginia military reservation.

1803, ch. 21.

ships and three sections, shall be appropriated and vested, for the purposes aforesaid, only on condition that the legislature of the state of Ohio shall, within one year after the passing of this act, pass a law accepting the said eighteen quarter townships and three sections, for the purposes aforesaid, in lieu of the thirty-sixth part of the tract commonly called "the Virginia military reservation," heretofore appropriated and vested by law for the use of schools within the same; and releasing to the United States, all their claim, right, title, and interest, and all the right, title and interest of the inhabitants of the tract of land last mentioned, to the thirty-sixth part of the said tract heretofore appropriated and vested by law for the use of schools within the same. And if the legislature of the said state shall not pass a law as aforesaid, within one year after the passing of this act, the said eighteen quarter townships and three sections shall not be considered and held as appropriated and vested for the purposes aforesaid, but shall be disposed of in the same manner as is or may be provided, by law, for the disposal of other public lands in the same tract.

APPROVED, March 2, 1807.

STATUTE II.

March 2, 1807.

Act of March 22, 1794, ch. 11.

Act of May 10, 1800, ch. 51.

Act of Feb. 28, 1803, ch. 10.

Act of April 20, 1818, ch. 83.

Act of May 15, 1820, ch. 112, sec. 4, 5.

Importation of slaves into the U. S. forbidden after Jan. 1, 1808.

Forfeiture of vessels fitted out for the slave trade after Jan. 1, 1808.

Penalties for being engaged in such expeditions.

CHAP. XXII.—*An Act to prohibit the importation of Slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of January, one thousand eight hundred and eight, it shall not be lawful to import or bring into the United States or the territories thereof from any foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to hold, sell, or dispose of such negro, mulatto, or person of colour, as a slave, or to be held to service or labour.

SEC. 2. *And be it further enacted,* That no citizen or citizens of the United States, or any other person, shall, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, for himself, or themselves, or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load or otherwise prepare any ship or vessel, in any port or place within the jurisdiction of the United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of procuring any negro, mulatto, or person of colour, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, within the jurisdiction of the United States, to be held, sold, or disposed of as slaves, or to be held to service or labour: and if any ship or vessel shall be so fitted out for the purpose aforesaid, or shall be caused to sail so as aforesaid, every such ship or vessel, her tackle, apparel, and furniture, shall be forfeited to the United States; and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts, for the district where the said ship or vessel may be found or seized.

SEC. 3. *And be it further enacted,* That all and every person so building, fitting out, equipping, loading, or otherwise preparing or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay twenty thousand dollars, one moiety thereof to the use of the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

SEC. 4. *And be it further enacted,* If any citizen or citizens of the

(a) See notes to act of March 22, 1794, chap. 11, vol. i. 347.

United States, or any person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, take on board, receive or transport from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of colour, in any ship or vessel, for the purpose of selling them in any port or place within the jurisdiction of the United States as slaves, or to be held to service or labour, or shall be in any ways aiding or abetting therein, such citizen or citizens, or person, shall severally forfeit and pay five thousand dollars, one moiety thereof to the use of any person or persons who shall sue for and prosecute the same to effect; and every such ship or vessel in which such negro, mulatto, or person of colour, shall have been taken on board, received, or transported as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts in the district where the said ship or vessel may be found or seized. And neither the importer, nor any person or persons claiming from or under him, shall hold any right or title whatsoever to any negro, mulatto, or person of colour, nor to the service or labour thereof, who may be imported or brought within the United States, or territories thereof, in violation of this law, but the same shall remain subject to any regulations not contravening the provisions of this act, which the legislatures of the several states or territories at any time hereafter may make, for disposing of any such negro, mulatto, or person of colour. (a)

SEC. 5. *And be it further enacted*, That if any citizen or citizens of the United States, or any other person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, take on board any ship or vessel from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to sell him, her, or them, for a slave, or slaves, or to be held to service or labour, and shall transport the same to any port or place within the jurisdiction of the United States, and there sell such negro, mulatto, or person of colour, so transported as aforesaid, for a slave, or to be held to service or labour, every such offender shall be deemed guilty of a high misdemeanor, and being thereof convicted before any court having competent jurisdiction, shall suffer imprisonment for not more than ten years nor less than five years, and be fined not exceeding ten thousand dollars, nor less than one thousand dollars.

SEC. 6. *And be it further enacted*, That if any person or persons whatsoever, shall, from and after the first day of January, one thousand eight hundred and eight, purchase or sell any negro, mulatto, or person of colour, for a slave, or to be held to service or labour, who shall have been imported, or brought from any foreign kingdom, place, or country, or from the dominions of any foreign state, immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, after the last day of December, one thousand eight hundred and seven, knowing at the time of such purchase or sale, such negro, mulatto, or person of colour, was so brought within the jurisdiction of the United States, as aforesaid, such purchaser and seller shall severally forfeit and pay for every negro, mulatto, or person of colour, so purchased or sold as aforesaid, eight hundred dollars; one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect: *Provided*, that the aforesaid forfeiture shall not extend to the seller or purchaser of any

Forfeitures and penalties for importing slaves from Africa, &c. after Jan. 1, 1808.

Distribution of the forfeitures.

Slaves imported to remain subject to regulations of the states.

Further penalties on citizens and residents, &c. for bringing slaves to the U. S. from any foreign place.

Imprisonment and penalty not to exceed \$10,000.

Penalties for buying slaves from the neighbouring territories, &c.

Forfeiture not to extend to the seller or purchaser.

(a) See notes to act of March 22, 1794, chap. 11, vol. i. 347, 348.

ser of any slave sold under the regulations of the legislature of any state.

Vessels may be seized, having slaves on board.

Vessels seized forfeited to the use of the United States.

Naval force of the U. States may be employed for the purpose of enforcing this act.

Penalties, fine and imprisonment.

Proceeds of prizes divided between the U. States and the officers and men making the seizures.

Every negro and mulatto found on board any vessel captured to be delivered to persons appointed by the respective states to receive them.

An account to be transmitted to the governors of the respective states.

negro, mulatto, or person of colour, who may be sold or disposed of in virtue of any regulation which may hereafter be made by any of the legislatures of the several states in that respect, in pursuance of this act, and the constitution of the United States.

SEC. 7. *And be it further enacted*, That if any ship or vessel shall be found, from and after the first day of January, one thousand eight hundred and eight, in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of colour, for the purpose of selling them as slaves, or with intent to land the same, in any port or place within the jurisdiction of the United States, contrary to the prohibition of this act, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods or effects which shall be found on board the same, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States, having jurisdiction thereof. And it shall be lawful for the President of the United States, and he is hereby authorized, should he deem it expedient, to cause any of the armed vessels of the United States to be manned and employed to cruise on any part of the coast of the United States, or territories thereof, where he may judge attempts will be made to violate the provisions of this act, and to instruct and direct the commanders of armed vessels of the United States, to seize, take, and bring into any port of the United States all such ships or vessels, and moreover to seize, take, and bring into any port of the United States all ships or vessels of the United States, wheresoever found on the high seas, contravening the provisions of this act, to be proceeded against according to law, and the captain, master, or commander of every such ship or vessel, so found and seized as aforesaid, shall be deemed guilty of a high misdemeanor, and shall be liable to be prosecuted before any court of the United States, having jurisdiction thereof; and being thereof convicted, shall be fined not exceeding ten thousand dollars, and be imprisoned not less than two years, and not exceeding four years. And the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted and condemned, shall be divided equally between the United States and the officers and men who shall make such seizure, take, or bring the same into port for condemnation, whether such seizure be made by an armed vessel of the United States, or revenue cutters thereof, and the same shall be distributed in like manner, as is provided by law, for the distribution of prizes taken from an enemy: *Provided*, that the officers and men, to be entitled to one half of the proceeds aforesaid, shall safe keep every negro, mulatto, or person of colour, found on board of any ship or vessel so by them seized, taken, or brought into port for condemnation, and shall deliver every such negro, mulatto, or person of colour, to such person or persons as shall be appointed by the respective states, to receive the same; and if no such person or persons shall be appointed by the respective states, they shall deliver every such negro, mulatto, or person of colour, to the overseers of the poor of the port or place where such ship or vessel may be brought or found, and shall immediately transmit to the governor or chief magistrate of the state, an account of their proceedings, together with the number of such negroes, mulattoes, or persons of colour, and a descriptive list of the same, that he may give directions respecting such negroes, mulattoes, or persons of colour. (a)

(a) The district courts have jurisdiction under the slave trade acts, to determine who are the actual captors under a state law, made in pursuance of the 4th section of the slave trade act of 1807, and directing the proceeds of the sale of the negroes to be paid, "one moiety for the use of the commanding officer of the capturing vessel." The *Josefa Segunda*, 10 Wheat. 312; 6 Cond. Rep. 111.

The offence against the laws of the United States under the 7th section of the act of 1807, is not that of importing or bringing into the United States, persons of colour, with intent to hold such persons as

SEC. 8. *And be it further enacted*, That no captain, master or commander of any ship or vessel, of less burthen than forty tons, shall, from and after the first day of January, one thousand eight hundred and eight, take on board and transport any negro, mulatto, or person of colour, to any port or place whatsoever, for the purpose of selling or disposing of the same as a slave, or with intent that the same may be sold or disposed of to be held to service or labour, on penalty of forfeiting for every such negro, mulatto, or person of colour, so taken on board and transported, as aforesaid, the sum of eight hundred dollars; one moiety thereof to the use of the United States, and the other moiety to any person or persons who shall sue for, and prosecute the same to effect: *Provided however*, That nothing in this section shall extend to prohibit the taking on board or transporting on any river, or inland bay of the sea, within the jurisdiction of the United States, any negro, mulatto, or person of colour, (not imported contrary to the provisions of this act) in any vessel or species of craft whatever.

SEC. 9. *And be it further enacted*, That the captain, master, or commander of any ship or vessel of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, from any port in the United States, to any port or place within the jurisdiction of the same, having on board any negro, mulatto, or person of colour, for the purpose of transporting them to be sold or disposed of as slaves, or to be held to service or labour, shall, previous to the departure of such ship or vessel, make out and subscribe duplicate manifests of every such negro, mulatto, or person of colour, on board such ship or vessel, therein specifying the name and sex of each person, their age and stature, as near as may be, and the class to which they respectively belong, whether negro, mulatto, or person of colour, with the name and place of residence of every owner or shipper of the same, and shall deliver such manifests to the collector of the port, if there be one, otherwise to the surveyor, before whom the captain, master, or commander, together with the owner or shipper, shall severally swear or affirm to the best of their knowledge and belief, that the persons therein specified were not imported or brought into the United States, from and after the first day of January, one thousand eight hundred and eight, and that under the laws of the state, they are held to service or labour; whereupon the said collector or surveyor shall certify the same on the said manifests, one of which he shall return to the said captain, master, or commander, with a permit, specifying thereon the number, names, and general description of such persons, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined as aforesaid, shall depart from the port where she may then be, without the captain, master, or commander having first made out and subscribed duplicate manifests, of every negro, mulatto, and person of colour, on board such ship or vessel, as aforesaid, and without having previously delivered the same to the said collector or surveyor, and obtained a permit, in manner as herein required, or shall, previous to her arrival at the port of her destination, take on board any negro, mulatto, or person of colour, other than those specified in the manifests, as aforesaid, every such ship or vessel, together with her tackle, apparel and furniture, shall be forfeited to the use of the United States, and may be seized, prosecuted and condemned in any court of the United States, having jurisdiction thereof; and the captain,

Slaves not to be transported in vessels under forty tons burthen, to be disposed of, &c.

Penalties.

This section not to prohibit taking on board or transporting on any river or bay within the jurisdiction of the U. States.

Vessels of larger burthen, sailing coastwise, to have the names of slaves for sale inserted in their papers, &c.

The shipper to swear the negroes were not imported into the U. States after January 1, 1808.

Penalties on departing without such list.

slaves, but that of hovering on the coast of the United States with such intent. And although it forfeits the vessel and any goods or effects found on board, it is silent as to disposing of the coloured persons found on board, any further than to impose a duty upon the officers of the armed vessels who make the capture to keep them safely to be delivered to the overseers of the poor, or the governor of the state, or persons appointed by the respective states to receive them. *United States v. Preston*, 3 Peters, 57.

The persons sold as slaves under an order of the district court of Louisiana, in a case where the decree was afterwards reversed, were illegally sold, and they are free. *Ibid.*

Penalty for negro or mulatto taken on board.

Manifests to be delivered to officers of customs where such slaves carried coastwise are landed.

Penalty for landing a negro or mulatto without a permit.

master, or commander of every such ship or vessel, shall moreover forfeit, for every such negro, mulatto, or person of colour, so transported, or taken on board, contrary to the provisions of this act, the sum of one thousand dollars, one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

SEC. 10. *And be it further enacted*, That the captain, master, or commander of every ship or vessel, of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, and having on board any negro, mulatto, or person of colour, to sell or dispose of as slaves, or to be held to service or labour, and arriving in any port within the jurisdiction of the United States, from any other port within the same, shall, previous to the unlading or putting on shore any of the persons aforesaid, or suffering them to go on shore, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, the manifest certified by the collector or surveyor of the port from whence she sailed, as is herein before directed, to the truth of which, before such officer, he shall swear or affirm, and if the collector or surveyor shall be satisfied therewith, he shall thereupon grant a permit for unlading or suffering such negro, mulatto, or person of colour, to be put on shore, and if the captain, master, or commander of any such ship or vessel being laden as aforesaid, shall neglect or refuse to deliver the manifest at the time and in the manner herein directed, or shall land or put on shore any negro, mulatto, or person of colour, for the purpose aforesaid, before he shall have delivered his manifest as aforesaid, and obtained a permit for that purpose, every such captain, master, or commander, shall forfeit and pay ten thousand dollars, one moiety thereof to the United States, the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

APPROVED, March 2, 1807.

STATUTE II.

March 3, 1807.

Act of Feb. 27, 1801, ch. 15. Service fees, &c. to the marshal.

CHAP. XXIII.—*An Act to reduce the expenses attending the administration of justice in the district of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the service of any writ, warrant, attachment, summons, or order of court, the marshal for the district of Columbia shall be entitled to receive the fee of fifty cents only, for each person on whom served; and for the taking any bond required by law, a fee of fifty cents only; and for such services as are not enumerated in this, or some other act of Congress, he shall receive the like fees and compensation, if they be performed in the county of Alexandria, as by the laws of Virginia, in force on the first Monday of December, in the year eighteen hundred, were allowed to the sheriff of a county, for the like services; and if they be performed in the county of Washington, the like fees and compensation, as by the laws of Maryland, in force on the day last mentioned, were allowed to a sheriff of a county, in Maryland, for the like services.

Clerk of Alexandria county entitled to the same fees as clerks of district courts in Virginia, &c.

In chancery proceedings, fees allowed to clerk of the high court of chancery in Virginia.

SEC. 2. *And be it further enacted*, That the clerk of the circuit court of the district of Columbia, for the county of Alexandria, shall be entitled to receive for his services, the same fees only, as by the laws of Virginia, in force on the day last mentioned, were allowed to the clerk of the district court in that state, for the like services; in chancery proceedings, the same fees only, as were allowed by the said laws to the clerk of the high court of chancery, in the said state, for like services; and for such services as were not, by the said laws, to be performed by the clerk of either of the said courts in Virginia, he shall receive such fees only, as

were allowed by the said laws, to the clerk of a county court in the said state, for the like services.

SEC. 3. *And be it further enacted*, That the clerk of the said circuit court of the district of Columbia, for the county of Washington, shall be entitled to receive the same fees only, for his services, as by the laws of Maryland, in force on the said first Monday of December, in the year eighteen hundred, were allowed to the clerk of the general court of Maryland, for the like services; and for his services in chancery proceedings, the same fees only, as by the said laws, were allowed to the register of the court of chancery of Maryland, for the like services; and for such services as were not, by the said laws, to be performed by the said clerk of the said general court, or by the said register, he shall be allowed such fees and compensation only, as by the said laws, were allowed to a clerk of a county court in Maryland, for the like services: *Provided*, that nothing in this act shall prevent the said marshal and clerk from receiving their daily compensation for attending court as heretofore.

SEC. 4. *And be it further enacted*, That such of the said fees as by the laws aforesaid, are chargeable in tobacco, shall be paid in money, at the rate of one dollar and seventy-five cents for one hundred pounds of tobacco. And it shall be the duty of the said marshal, and the said clerk, of the said circuit court, respectively, to make a table of their respective fees, in dollars and cents, according to this act; and to keep a copy thereof, at all times, exposed to public view, in their respective offices; and all fees and costs shall be taxed, and fee bills for collection, stated in money only.

SEC. 5. *And be it further enacted*, That in suits at common law in the said circuit court, the taxable fee to an attorney, shall be five dollars only; and in suits in chancery, the taxable fee to a solicitor, shall be ten dollars only: *Provided*, that nothing in this act shall extend to the official services of the attorney of the United States, for the district of Columbia.

SEC. 6. *And be it further enacted*, That all temporary statutes of the states of Virginia and Maryland, which by the first section of the act concerning the district of Columbia, passed on the twenty-seventh of February, one thousand eight hundred and one, were adopted for the said district, shall not expire within the said district, by virtue of any limitation in said statutes contained; but shall remain in force as at the time of their adoption, unless other provision has been or shall be made by Congress, respecting the same.

SEC. 7. *And be it further enacted*, That all laws, and parts of laws, contrary to, or inconsistent with this act, shall be, and the same are hereby repealed.

This act shall commence and be in force from and after the passing thereof.

APPROVED, March 3, 1807.

For services not incident to the offices of the clerks of the district or chancery courts, the fees allowed in the county courts.

General court fees of Maryland to be charged by the clerk of Washington county.

For services in chancery, the fees of the register of the court of chancery.

In cases not of a nature of the service performed in either of these courts, the fees allowed in the county courts of Maryland to be paid.

Marshal and clerk of Washington still entitled to their daily allowance.

At what rate fees in tobacco are to be paid.

Tables of fees to be set up in the marshal's and clerk's offices.

Attorney's and solicitor's fees.

Proviso.

Temporary statutes of Virginia and Maryland, adopted for Columbia, continued in force.

Act of Feb. 27, 1801, ch. 15. Repeal of acts inconsistent with this law.

STATUTE II.

March 3, 1807.

CHAP. XXV.—*An Act allowing an additional compensation to the judges of the Mississippi, Indiana, Michigan and Louisiana Territories.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the judges of the Mississippi, Indiana, Michigan and Louisiana territories, appointed under the authority of the United States, be entitled to the annual sum of twelve hundred dollars, in lieu of his present compensation, to commence on the first day of January last.

APPROVED, March 3, 1807.

Compensation to the judges of Mississippi, Indiana, Michigan, and Louisiana territory.

STATUTE II.

March 3, 1807.

[Obsolete.]

CHAP. XXVIII.—*An Act making appropriations for finishing the south wing of the Capitol, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to appropriations already made, the following sums of money shall be, and the same are hereby appropriated, to be applied under the direction of the President of the United States, to the purposes herein after mentioned, that is to say:

Appropriation
to finish south
wing of the
capitol;
to furnish it:

For finishing the south wing of the capitol, twenty-five thousand dollars.

For furnishing the same for the accommodation of the House of Representatives, seventeen thousand dollars.

to make a new
roof and other
repairs to the
north wing:
to open and re-
pair avenues
and roads:
to repair and
improve Presi-
dent's house,
and the lot of
ground on which
it stands.

For making a new roof and other repairs to the north wing of the capitol, twenty-five thousand dollars.

For opening and repairing avenues and roads within the territory of Columbia, three thousand dollars.

For repairs and improvements on the President's house, and the lot of ground on which the same stands, fifteen thousand dollars.

SEC. 2. *And be it further enacted,* That the several sums of money hereby appropriated, shall be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, March 3, 1807.

STATUTE II.

March 3, 1807.

[Obsolete.]

Objects of ap-
propriation.

CHAP. XXIX.—*An Act making appropriations for the support of Government during the year one thousand eight hundred and seven.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list, in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for the defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific ap-
propriations.

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand four hundred and twenty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, twenty-four thousand two hundred dollars.

For all contingent expenses of the library, and librarian's allowance for the year one thousand eight hundred and seven, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, thirteen thousand dollars.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

For printing and distributing copies of the laws of the second session of the ninth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with despatches, two thousand dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, sixteen thousand seven hundred dollars.

Specific appropriations.

For the expense of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars.

For expense of stationery, printing, and incidental and contingent expenses of the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, the clerks and persons in his office, twelve thousand two hundred dollars.

For expense of stationery, printing, and incidental and contingent expenses in the office of the auditor of the treasury, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For expense of stationery and printing in the register's office, (including books for the public stock and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For purchasing books, maps and charts, for the use of the treasury department, four hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For fuel and other contingent expenses of the treasury department, four thousand dollars.

For defraying the expenses incident to the stating and printing of the public accounts for the year one thousand eight hundred and seven, one thousand two hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury, during the year one thousand eight hundred and seven, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand one hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For the expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to clerks employed in the paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, and for expense of stationery, store rent, and fuel for the said office, four thousand six hundred dollars.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand dollars.

Specific ap-
propriations.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, five hundred dollars.

For compensation to the Postmaster-General, to the assistant Postmaster-General, and clerks and persons employed in the Postmaster-General's office, fourteen thousand four hundred and fifty dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. exclusive of expenses for prosecution, portmanteaus, mail locks, and other expenses incident to the department, these being paid for by the Postmaster-General, out of the funds of the office, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the several commissioners of loans, and for an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, fifteen thousand dollars.

For compensation to the surveyor-general, and for that of the clerks employed by him, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of the state of Tennessee, clerks employed in his office, stationery and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the mint :

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars.

And two clerks at five hundred dollars.

For the wages of persons employed in the different branches of melting, coining, carpenter's, millwright's, and smith's work, including the sum of one thousand dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, seven thousand two hundred and seventy-eight dollars.

For the repairs of furnaces, costs of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, two thousand six hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the territory of Orleans, thirteen thousand dollars.

For incidental and contingent expenses of the executive officers of the said territory, and for express hire, and compensation of an Indian interpreter, two thousand eight hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, five thousand nine hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses in said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Indiana territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Michigan territory, five thousand one hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Louisiana territory, five thousand one hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses of the said territory, three hundred and fifty dollars.

Specific appropriations.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, two thousand dollars.

For additional compensation to the clerks of the several departments of state, treasury, war, and navy, and of the general post-office, not exceeding, for each department respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads; and for other purposes," thirteen thousand two hundred and sixty-nine dollars.

1806, ch. 41.

For compensation granted by law to the chief justice, associate judges, and district judges of the United States, including the chief justice, and two associate judges of the district of Columbia; to the attorney-general, and to the judge of the district of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several district attorneys of the United States, three thousand four hundred dollars.

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, East and West Tennessee, and Orleans, one thousand six hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late government, eight hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and seven, to the fourth of March one thousand eight hundred and eight, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, and stakeage of channels, bars, and shoals, and certain contingent expenses, eighty-three thousand nine hundred and sixty-one dollars and eight cents.

For erecting a lighthouse on St. Simon's island, in Georgia, the former appropriation of seven thousand dollars for that object having been carried to the surplus fund, nineteen thousand dollars.

For erecting lighthouses at the mouth of the Mississippi river, and at or near the pitch of Cape Look-out, in North Carolina, in addition to the sums heretofore appropriated by law for those objects, the balance of a former appropriation for those objects, of twenty-four thousand six hundred and twenty-five dollars and ninety-six cents, having been carried to the surplus fund, fifty-five thousand dollars.

For erecting a lighthouse on Whitehead, at the entrance of Penobscot bay, the former appropriation for that object having been carried to the surplus fund, two thousand two hundred and five dollars and eighty cents.

For the erection of beacons in the harbor of New York, in addition to the sums heretofore appropriated, one thousand two hundred dollars.

For defraying the expenses incurred in surveying the coast of North Carolina, between Cape Hatteras and Cape Fear, in addition to the sum heretofore appropriated for that object, one thousand three hundred dollars.

For compensating the commissioners in the aforesaid service for the loss of their effects incident to the service, on board the revenue cutters

Specific ap-
propriations.

wrecked at Ocracock ; the amount of which loss the accounting officers of the treasury are hereby authorized to liquidate and allow upon satisfactory proof being exhibited to them of such loss, one thousand six hundred dollars.

For carrying on the surveys of public lands in the state of Ohio, and in the several territories, seventy-three thousand one hundred and eighty dollars.

For expenses of intercourse with foreign nations, thirty-three thousand and fifty dollars.

For contingent expenses of intercourse with foreign nations, twenty thousand dollars.

For expenses of intercourse with the Barbary powers, fifty thousand dollars.

For contingent expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For the salaries of the agents at London, Paris, and Madrid, for prosecuting claims in relation to captures, six thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations heretofore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any monies in the treasury, not otherwise appropriated.

APPROVED, March 3, 1807.

STATUTE II.

March 3, 1807.

After the 30th June, 1807, the act of July 8, 1797, ch. 15, repealed so far as respects the duty on salt.

CHAP. XXX.—*An Act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, intituled "An Act further to protect the commerce and seamen of the United States, against the Barbary powers."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June next, the act, intituled "An act laying an additional duty on salt imported into the United States, and for other purposes," passed the eighth day of July, one thousand seven hundred and ninety-seven, shall be, and the same hereby is repealed, and that from and after the thirty-first day of December next, so much of any act as lays a duty on imported salt, be, and the same hereby is repealed; and from and after the day last aforesaid, salt shall be imported into the United States free of duty: *Provided*, that for the recovery and receipt of such duties as shall have accrued, and on the days aforesaid respectively remain outstanding, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, which shall have been incurred before and on the said days respectively, the provisions of the aforesaid act shall remain in full force and virtue.

Proviso.
The recovery and receipt of outstanding duties, not to be impaired.

Bounties on salt provisions and pickled fish taken off.

See vol. i. 27, 260, 533, 693.

Proviso.

SEC. 2. *And be it further enacted*, That from and after the first day of January next, so much of any act as allows a bounty on exported salt provisions and pickled fish, in lieu of drawback of the duties on the salt employed in curing the same, and so much of any act as makes allowance to the owners and crews of fishing vessels, in lieu of drawback of the duties paid on the salt used by the same, shall be, and the same hereby is repealed: *Provided*, that the provisions of the aforesaid acts shall remain in full force and virtue for the payment of the bounties or allowances incurred or payable on the first day of January next.

SEC. 3. *And be it further enacted*, That so much of the act, passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States, against the Barbary powers," as is contained in the first section of the said act, be, and the same hereby is continued in force until the first day of January next, and no longer: *Provided however*, that the additional duty laid by the said section shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to that day.

APPROVED, March 3, 1807.

Mediterranean fund continued till 1st January, 1808.

Act of March 26, 1804, ch. 46.

Proviso.

STATUTE II.

CHAP. XXXI.—*An Act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any officer or soldier of the Virginia line, on continental establishment, or his legal representatives, to whom a land warrant has issued, by virtue of any resolution of the legislature of Virginia, as a bounty for services, which by the laws of Virginia, passed prior to the cession of the North-western territory to the United States, entitled such officer or soldier to bounty lands, shall, if the said warrant has been or shall be located within three years from the twenty-third of March next, and a survey thereof has been or shall be, within five years from the said twenty-third of March next, returned to the office of the Secretary of War, obtain a patent for the same, in the same manner, and on the same conditions, as patents are obtained for lands located and surveyed on other warrants of the officers and soldiers of the Virginia line, on continental establishment: *Provided*, that no patent shall be obtained on such resolution warrant, unless there is produced to the Secretary of War, satisfactory evidence that such warrant was granted for services which, by the laws of Virginia, passed prior to the cession of the North-western territory, would have entitled such officer or soldier, his heirs or assigns, to bounty lands, and also a certificate of the register of the land-office of Virginia, that no other warrant has issued from the said land-office for the same services.

SEC. 2. *And be it further enacted*, That no patent shall be issued by virtue of the preceding section, for a greater quantity of land, than the rank or term of service of the officer or soldier, to whom or to whose legal representatives such resolution warrant has been granted, would have entitled him to under the aforesaid laws of Virginia; and whenever it appears to the Secretary of War, that the survey or surveys, made by virtue of any resolution warrant, is for a greater quantity of land than the officer or soldier is entitled to for his services, the Secretary of War shall certify, on the said survey or surveys, the amount of such surplus quantity, and the officer or soldier, his heirs or assigns, shall have leave to withdraw his survey from the office of the Secretary of War, and re-survey his location, excluding such surplus quantity, in one body, from any part of his re-survey, and a patent shall issue upon such re-survey as in other cases.

APPROVED, March 3, 1807.

March 3, 1807.

Act of May

18, 1796, ch. 29.

Act of March

2, 1799, ch. 29.

Act of Feb.

22, 1815, ch. 48.

Act of April

11, 1818, ch. 43.

Resolution

warrants may be

located within

three years from

March, 1808.

Act of Feb.

9, 1821, ch. 10.

Act of Feb.

21, 1823, ch. 10.

Proviso, that

no warrant can

be obtained un-

less proof to the

satisfaction of

the Secretary of

War that the

warrant was

given for serv-

ices before the

cession.

Patents not to

issue for a great-

er quantity of

land than the

laws of Virginia

entitled the per-

son performing

the service to.

Surveys to be

withdrawn

where locations

shall have been

made in any

other way, and

re-surveys to be

made, &c.

STATUTE II.

CHAP. XXXIV.—*An Act regulating the grants of land in the territory of Michigan.*(b)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the decisions made

March 3, 1807.

Act of March

26, 1804, ch. 35.

Act of March

3, 1805, ch. 43.

(a) See notes to act of May 18, 1796, chap. 29, Vol. i. 464.

(b) Acts relating to the sale of the public lands in Michigan:—

An act regulating the grants of lands in the territory of Michigan, March 3, 1807, chap. 31.

Act of April 21, 1806, ch. 43. Decisions of commissioners in favour of land in certain cases, confirmed.

Persons in occupation of land in Michigan, to which Indian title has been extinguished, confirmed in their titles as of estates of inheritance, in fee simple.

Proviso.

Proviso.

Secretary of Michigan, and the register and receiver of public monies of the land-office of Detroit, made commissioners for claims, &c.

Their oath of office.

by the commissioners appointed for the purpose of examining the claims of persons claiming lands in the district of Detroit, in favour of such claimants, as entered in the transcript of decisions which have been transmitted by the said commissioners, to the Secretary of the Treasury, according to law, be, and the same are hereby confirmed.

SEC. 2. *And be it further enacted*, That to every person or persons in the actual possession, occupancy, and improvement, of any tract or parcel of land, in his, her, or their own right, at the time of the passing of this act, within that part of the territory of Michigan, to which the Indian title has been extinguished, and which said tract or parcel of land was settled, occupied and improved, by him, her, or them, prior to and on the first day of July, one thousand seven hundred and ninety-six, or by some other person or persons, under whom he, she, or they hold or claim the right to the occupancy, or possession thereof, and which said occupancy or possession has been continued to the time of the passing of this act; the said tract or parcel of land thus possessed, occupied, and improved, shall be granted, and such occupant or occupants shall be confirmed in the title to the same, as an estate of inheritance, in fee simple: *Provided however*, that no other claims shall be confirmed, by virtue of this section, than such as have been entered with the register of the land-office of Detroit, within the time, and in the manner provided by law, and by the commissioners aforesaid, have been inserted in their report, transmitted as aforesaid; nor shall more than one tract or parcel of land be thus granted to any one person, and the same shall not contain more than the quantity claimed, nor more than six hundred and forty acres: *And provided also*, that the same shall not extend to any tract heretofore reserved, or which may by the President of the United States, be set aside for public uses, in the town of Detroit and its vicinity, or on the island of Michilimackinac.

SEC. 3. *And be it further enacted*, That the secretary of the territory of Michigan, together with the register and receiver of public monies of the land-office of Detroit, shall be commissioners for the purpose of ascertaining and deciding on the rights of persons claiming the benefit of this act: and the said commissioners shall, previous to entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: I do solemnly swear (or affirm) that I will impartially exercise and discharge the duties imposed upon me, by an act of Congress, intitled "An act regulating the grants of land in the territory of Michigan." And it shall be the duty of the said commissioners to meet at the town of Detroit, on or before the first day of July next, and they shall not adjourn to any other place, or for any longer time,

An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, chap. 35, sec. 2, &c.

An act supplementary to the act entitled, "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes," March 3, 1805, chap. 43, sec. 6.

An act for the adjustment of titles to land in the town of Detroit and territory of Michigan, and for other purposes, April 21, 1806, chap. 43.

An act supplemental to "an act regulating the grants of land in the territory of Michigan," April 26, 1808, chap. 67.

An act to authorize the granting patents for lands according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes, April 23, 1812, chap. 62.

An act allowing further time for entering donation rights to lands in the district of Detroit, March 3, 1817, chap. 99.

An act to revive the powers of the commissioners for ascertaining and deciding on claims to land at Green Bay and Prairie des Cheins, in the territory of Michigan, May 11, 1820, chap. 84.

An act to revive and continue in force, certain acts for the adjustment of land claims in the territory of Michigan, February 21, 1823, chap. 10.

An act to confirm certain claims to lands in the territory of Michigan, April 17, 1828, chap. 12.

An act to establish a land-office in the territory of Michigan, and for other purposes, February 19, 1831, chap. 27.

An act supplementary to "an act to provide for the adjustment of titles to land in the town of Detroit and territory of Michigan, and for other purposes," passed April 21, 1826, August 29, 1842, chap. 260.

than three days, until the first day of January next, or until they shall have completed the business of their appointment. And the said commissioners, or a majority of them, shall have power to hear and decide in a summary manner, all matters respecting such claims, to compel the attendance of witnesses, to administer oaths and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity. Minutes of the proceedings, decisions, meetings, and adjournments of the board, shall be regularly entered by the register, in a book to be kept for that purpose, together with the evidence on which such decisions are made, unless such evidence has already been entered according to law, in the book or books of minutes, kept by the commissioners appointed under former acts, to investigate the claims to land in the district of Detroit. And when it shall appear to the said commissioners that the claimant is entitled to a tract of land by virtue of this act, they shall give a certificate thereof stating the circumstances of the case, and that the claimant is entitled to receive a patent for such a tract of land, by virtue of this act; which tract shall be surveyed in conformity with the decision of the commissioners, at the expense of the party, and under the direction of the surveyor-general by such of his assistants, residing in the territory of Michigan, as the said surveyor-general shall appoint for that purpose: *Provided*, that the whole expense of surveying and marking the lines, shall not exceed three dollars for every mile that shall be actually run, surveyed, or marked. The surveyor-general shall transmit to the register of the land-office at Detroit, general and particular plots of all the lands surveyed as aforesaid, and shall also forward copies of the said plots to the Secretary of the Treasury. The commissioners shall transmit to the Secretary of the Treasury a transcript of their decisions in favour of claimants, which shall contain a fair statement of the evidence on which each respective claim is founded, and shall be signed by the said commissioners, and shall state the names of the parties in whose favour the certificates have been granted, the number of acres granted and the situation of the land. And the certificate and certificates granted as aforesaid, by the commissioners, being duly entered with the register of the land-office of Detroit, prior to the first day of January, one thousand eight hundred and nine, shall entitle the party or parties, as soon as the plot or plots aforesaid, shall have been transmitted to the said register, to receive from him a certificate or certificates, for each of which certificates the register shall receive one dollar, directed to the Secretary of the Treasury; and if it shall appear to the satisfaction of the said secretary, that such certificates have been fairly obtained according to the true intent and meaning of this act, then and in that case, patents shall issue, in like manner as is provided by law, for the other lands of the United States.

SEC. 4. *And be it further enacted*, That the powers vested by this act in the commissioners above mentioned shall not extend to lots in the town of Detroit, the claims to which shall be ascertained and decided upon, in the manner provided by the act, intituled "An act to provide for the adjustment of titles of land in the town of Detroit, and territory of Michigan, and for other purposes."

SEC. 5. *And be it further enacted*, That the secretary of the territory of Michigan shall be entitled to receive five hundred dollars, in full for all the services rendered by him under this act, to be paid out the sums which have been, or may be appropriated for carrying into effect the several laws enacted for the disposal of public lands, and for the adjustment of claims in the Indiana or Michigan territories.

APPROVED, March 3, 1807.

Powers and duties of the commissioners.

Lands to be surveyed, &c.

By whom.

Proviso.

General and particular plots to be sent by the surveyor-general to the register of land-office at Detroit, and copies also to Secretary of Treasury.

Transcripts of commissioners' decisions to be likewise forwarded to Secretary of Treasury.

Certificates of commissioners to give titles to land, &c.

Fees to be paid for certificates.

Powers of commissioners not extended to lots in town of Detroit.

How claims to such lots are to be decided upon.

Compensation to secretary of Michigan, for services under this act.

Out of what fund to be paid.

STATUTE II.

March 3, 1807.

CHAP. XXXV.—*An Act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians; and to establish a land-office in the Mississippi territory.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying into effect a treaty, made on the twenty-third day of July, one thousand eight hundred and five, between the United States and the Chickasaw nation of Indians, the following sums, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby are appropriated, in conformity with the stipulations contained in the said treaty, that is to say; to the said Chickasaw nation, twenty thousand dollars; to George Colbert and O'Koy, each, one thousand dollars; and to Chinubbe Mingo, chief of the nation, an annuity of one hundred dollars, during his natural life.

Appropriations.

Surveyor general of the public lands south of Tennessee, to cause lands ceded by the Cherokees and Chickasaws, and lying in Mississippi, to be surveyed and laid out.

President authorized to have a land-office for the sale of them; to appoint a register and a receiver of public monies, &c.

Their emoluments.

STATUTE II.

March 3, 1807.

CHAP. XXXVI.—*An Act respecting claims to land in the territories of Orleans and Louisiana.*(a)

Part of the 1st section of a former act repealed, respecting incomplete titles.

Residents in the territories of Orleans or Louisiana, confirmed in their titles, if in possession a certain number of successive years.

Proviso.

Claim of New Orleans to the commons confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the first section of the act, intitled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," as provides that no incomplete title shall be confirmed, unless the person in whose name the warrant or order of survey had been granted, was at the time of its date, either the head of a family, or above the age of twenty-one years, be and the same is hereby repealed.

SEC. 2. *And be it further enacted,* That any person or persons, and the legal representative of any person or persons, who, on the twentieth day of December, one thousand eight hundred and three, had for ten consecutive years prior to that day, been in possession of a tract of land not claimed by any other person, and not exceeding two thousand acres, and who were on that day resident in the territory of Orleans or Louisiana, and had still possession of such tract of land, shall be confirmed in their titles to such tract of land: *Provided,* that no claim to a lead mine or salt spring, shall be confirmed merely by virtue of this section: *And provided also,* that no more land shall be granted by virtue of this section, than is actually claimed by the party, nor more than is contained within the acknowledged and ascertained boundaries of the tract claimed.

SEC. 3. *And be it further enacted,* That the claim of the corporation of the city of New Orleans, to the commons adjacent to the said city, and within six hundred yards from the fortifications of the same, be, and the same are hereby recognized and confirmed: *Provided,* that the

(a) See notes to act of March 2, 1805, chap. 26.

said corporation shall within six months after passing this act, relinquish and release any claim they may have to such commons beyond the distance of six hundred yards aforesaid: *Provided also*, that the corporation shall reserve for the purpose, and convey gratuitously for the public benefit, to the company authorized by the legislature of the territory of Orleans, as much of the said commons as shall be necessary to continue the canal of Carondelet from the present basin to the Mississippi, and shall not dispose of, for the purpose of building thereon, any lot within sixty feet of the space reserved for a canal, which shall for ever remain open as a public highway: *And provided also*, that nothing herein contained, shall be construed to affect or impair the rights of any individual or individuals to the said commons, which are derived from any grant of the French or Spanish government.

SEC. 4. *And be it further enacted*, That the commissioners appointed or to be appointed for the purpose of ascertaining the rights of persons claiming land in the territories of Orleans and Louisiana, shall have full powers to decide according to the laws and established usages and customs of the French and Spanish governments, upon all claims to lands within their respective districts, where the claim is made by any person or persons, or the legal representative of any person or persons, who were on the twentieth of December, one thousand eight hundred and three, inhabitants of Louisiana, and for a tract not exceeding the quantity of acres contained in a league square, and which does not include either a lead mine or salt spring, which decision of the commissioners when in favour of the claimant shall be final, against the United States, any act of Congress to the contrary notwithstanding.

SEC. 5. *And be it further enacted*, That the time fixed by the act above mentioned, and by the acts supplementary to the same, for delivering to the proper register or recorder, notices in writing and the written evidences of claims to land, be, and the same is hereby extended, for the territories of Orleans and Louisiana, till the first day of July, one thousand eight hundred and eight, and persons delivering such notices and evidences shall be entitled to the same benefit as if the same had been delivered within the time limited by the former acts; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from or founded on any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of law or equity whatever.

SEC. 6. *And be it further enacted*, That the commissioners appointed or to be appointed for the purpose of ascertaining the rights of persons claiming lands in the territories of Orleans and Louisiana, shall respectively transmit to the Secretary of the Treasury and to the surveyor-general, or officer acting as surveyor-general, transcripts of the final decisions made in favour of claimants by virtue of this act, and they shall deliver to the party a certificate stating the circumstances of the case, and that he is entitled to a patent for the tract of land therein designated, which certificate shall be filed with the proper register or recorder, within twelve months after date. And the register or recorder shall thereupon (a plat of the tract of land therein designated, being previously filed with him or transmitted to him by the officer acting as surveyor-general in the manner herein after provided,) issue a certificate in favour of the party, which certificate being transmitted to the Secretary of the Treasury, shall entitle the party to a patent, to be issued in like manner as is provided by law for the issuing of patents for public lands lying in other territories of the United States.

SEC. 7. *And be it further enacted*, That the tracts of land thus granted by the commissioners shall be surveyed at the expense of the parties, under the direction of the surveyor-general, or officer acting as surveyor-

Release to be made by the corporation.
Proviso.

Nothing herein to impair rights under the French or Spanish government.

Claims to be decided according to the usages and customs of the French and Spanish governments, in certain cases.

Time fixed for delivering notices of claims, extended.

Persons barred who neglect giving notices, &c.

Certificates of final decisions to be transmitted to surveyor-general and Secretary of the Treasury.

Patents to issue upon those transmitted to the Secretary of the Treasury.

Tracts of land thus granted to be surveyed at expense

of the parties, unless an accurate and authentic survey, made under authority of former governments of Orleans and Louisiana, shall have been filed, &c.

Commissioners authorized to direct re-surveys.

Surveyor-general to transmit general and particular plats to Secretary of the Treasury, &c.

Reports of undecided claims to be regularly transmitted by commissioners to Secretary of the Treasury.

Arrangement of claims.

Allowances and compensations.

Proviso.

general, in all cases where an authenticated plat of the land as surveyed under the authority of the officer acting as surveyor-general under the French, Spanish, or American governments respectively, during the time either of the said governments had the actual possession of the said territories of Orleans and Louisiana, shall not have been filed with the proper register or recorder, or shall not appear of record on the public records of the said territories of Orleans and Louisiana. The said commissioners shall also be authorized, whenever they may think it necessary, to direct the surveyor-general, or officer acting as such, to cause any tract of land already duly surveyed, to be re-surveyed at the expense of the United States. And the surveyor-general, or officer acting as such, shall transmit general and particular plats of the tracts of land thus surveyed, to the proper register or recorder, and shall also transmit copies of the said plats to the Secretary of the Treasury.

SEC. 8. *And be it further enacted*, That the commissioners aforesaid shall respectively report to the Secretary of the Treasury their opinion on all the claims to land within their respective districts, which they shall not have finally confirmed by the fourth section of this act. The claims shall, in the said report or reports, be arranged into three general classes, that is to say: first, claims which, in the opinions of the commissioners, ought to be confirmed in conformity with the provisions of the several acts of Congress, for ascertaining and adjusting the titles and claims to land within the territories of Orleans and Louisiana; secondly, claims which, though not embraced by the provisions of the said acts, ought nevertheless in the opinion of the commissioners to be confirmed in conformity with the laws, usages, and customs of the Spanish government; thirdly, claims which neither are embraced by the provisions of the said acts, nor ought in the opinion of the commissioners to be confirmed in conformity with the laws, usages, and customs of the Spanish government; and the said report and reports being in other respects made in conformity with the forms prescribed according to law, by the Secretary of the Treasury, shall by him be laid before Congress, for their final determination thereon, in the manner and at the time heretofore prescribed by law for that purpose.

SEC. 9. *And be it further enacted*, That the following allowances and compensations shall be made to the several officers herein after mentioned, that is to say, to the principal deputy of the surveyor-general, for the district of Louisiana, at the rate of five hundred dollars a year, from the time he entered into the duties of his office, in addition to the fees which he is entitled to receive by law. To the register of the western district of the Orleans territory, and to the clerk of the board of commissioners for that district, one thousand dollars each, for their services as commissioners and clerk respectively, during the year one thousand eight hundred and six. To each of the deputy registers of the territory of Orleans, five hundred dollars in full, for their services subsequent to the first day of January last, in addition to the fees to which they are legally entitled. To each of the commissioners at the rate of two thousand dollars a year; to each of the clerks of the boards, and to each of the agents employed by the Secretary of the Treasury, at the rate of fifteen hundred dollars a year, and to each of the translators, at the rate of six hundred dollars a year, to commence from the first day of July next, in the district of Louisiana, and from the first day of January next, in the territory of Orleans, and to continue to the time when each board shall be respectively dissolved: *Provided*, that no more than eighteen months' compensation be thus allowed to the said commissioners, clerks, and translators, and that the compensation of any such officer absenting himself from his district, or failing to attend to the duties of his office, shall cease during such absence or failure.

APPROVED, March 3, 1807.

CHAP. XXXVII.—*An Act making further appropriations for fortifying the ports and harbors of the United States.*

STATUTE II.
March 3, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of money not exceeding one hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, be, and the same is hereby appropriated, to enable the President of the United States to cause the ports and harbors of the United States to be better fortified and protected.

Specific appropriations.

[Obsolete.]

SEC. 2. *And be it further enacted,* That the money appropriated by this act, shall be paid out of any money in the treasury of the United States, not otherwise appropriated.

APPROVED, March 3, 1807.

STATUTE II.

CHAP. XXXIX.—*An Act authorizing the employment of the land and naval forces of the United States, in cases of insurrections.*

March 3, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual state or territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States, as shall be judged necessary, having first observed all the pre-requisites of the law in that respect.

Land and naval forces to be employed for suppressing insurrections.

APPROVED, March 3, 1807.

STATUTE II.

CHAP. XL.—*An Act in addition to an act intituled "An act in addition to an act intituled An act supplementary to the act providing for a naval peace establishment, and for other purposes."*

March 3, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, in addition to the present naval peace establishment, to employ a number of able seamen, ordinary seamen and boys, not exceeding five hundred, should the exigency of the public service require the same.

Act of April 21, 1806, ch. 35.

APPROVED, March 3, 1807.

STATUTE II.

CHAP. XLI.—*An Act making appropriations for carrying into effect certain treaties with the Cherokee and Piankeshaw tribes of Indians.*

March 3, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for carrying into effect a convention between the United States and the Cherokee nation of Indians, the following sums, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same hereby are appropriated; that is to say—to the said Cherokee nation, two thousand dollars, and the further annual sum of two thousand dollars for four years successively; and to the Cherokee chief, called the Black Fox, the annual sum of one hundred dollars, during his natural life.

Specific appropriations.

SEC. 2. *And be it further enacted,* That for carrying into effect a treaty between the United States and the Piankeshaw tribe of Indians, concluded at Vincennes, on the thirtieth day of December, one thousand eight hundred and five, there shall be, and hereby are appropriated, in addition to appropriations for carrying into effect former treaties, a sum

of one thousand dollars, and a further annual sum of three hundred dollars, to be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, March 3, 1807.

STATUTE II.

March 3, 1807. CHAP. XLIII.—*An Act to establish certain Post Roads; and for other purposes.*

[Repealed.]

Act of April
28, 1810, ch. 30,
sec. 2.

Post roads
established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post roads be established :

In Orleans.—From New Orleans to the Balize, and from New Orleans, by the mouth of the Fourche, mouth of the canal of Attakapas, lake Veret, the ferry of lake Veret, the mouth of Teache, the church of Attacapas, and the church of Appelousas, to Rapides. And the Postmaster-General be, and he is hereby authorized to allow and pay to the postmaster, which may be appointed at the Balize, in addition to the legal fees of office, such sum as he may judge reasonable, not exceeding four hundred dollars per annum, as a compensation for his services.

A road to be
opened, on the
route from
Athens to New
Orleans.

Unexpended
balance of a for-
mer appropriation
to be ap-
plied to this ob-
ject.

SEC. 2. *And be it further enacted,* That the President of the United States is hereby authorized, to cause to be opened a road from the thirty-first degree of north latitude to New Orleans, on the route from Athens to New Orleans, under such regulations as may be agreed upon for that purpose, between the executive of the United States and the Spanish government: and he is hereby authorized to expend, in opening the same, any part of the money heretofore appropriated for opening a road on the said route, from the frontier of Georgia to the thirty-first degree of north latitude, which remains unexpended.

APPROVED, March 3, 1807.

STATUTE II.

March 3, 1807. CHAP. XLIV.—*An Act disapproving of an act passed by the governor and judges of the territory of Michigan, intituled "An act concerning the Bank of Detroit."*

Establishment
of the bank of
Detroit disap-
proved of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act, intituled "An act concerning the bank of Detroit," adopted and published by the governor and judges of the territory of Michigan, on the nineteenth day of September, in the year of our Lord one thousand eight hundred and six, is hereby disapproved of by Congress, and that the same shall be of no force or effect.

APPROVED, March 3, 1807.

STATUTE II.

March 3, 1807. CHAP. XLV.—*An Act making compensation for extra services, to the governor, judges and secretary of the Indiana territory.*

Compensation
for extra ser-
vices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is directed to pay to the governor, judges and secretary of the Indiana territory, out of any money in the treasury, not otherwise appropriated, the sum of three hundred dollars each, as a compensation for the extra services by them performed, in obedience to the act, intituled "An act erecting Louisiana into two territories, and providing for the temporary government thereof."

APPROVED, March 3, 1807.

1804, ch. 38.

STATUTE II.

CHAP. XLVI.—*An Act to prevent settlements being made on lands ceded to the United States, until authorized by law.*

March 3, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall, after the passing of this act, take possession of, or make a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any state to the United States, which lands shall not have been previously sold, ceded, or leased by the United States, or the claim to which lands, by such person or persons, shall not have been previously recognized and confirmed by the United States: or if any person or persons shall cause such lands to be thus occupied, taken possession of, or settled: or shall survey, or attempt to survey, or cause to be surveyed, any such lands; or designate any boundaries thereon, by marking trees, or otherwise, until thereto duly authorized by law; such offender or offenders, shall forfeit all his or their right, title, and claim, if any he hath, or they have, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, which he or they shall have taken possession of, or settled, or cause to be occupied, taken possession of, or settled, or which he or they shall have surveyed, or attempt to survey, or cause to be surveyed, or the boundaries thereof he or they shall have designated, or cause to be designated, by marking trees or otherwise. And it shall moreover be lawful for the President of the United States, to direct the marshal, or officer acting as marshal, in the manner herein after directed, and also to take such other measures, and to employ such military force as he may judge necessary and proper, to remove from lands ceded, or secured to the United States, by treaty, or cession as aforesaid, any person or persons who shall hereafter take possession of the same, or make, or attempt to make a settlement thereon, until thereunto authorized by law. And every right, title, or claim, forfeited under this act, shall be taken and deemed to be vested in the United States, without any other or further proceedings: *Provided*, that nothing herein contained, shall be construed to affect the right, title, or claim, of any person to lands in the territories of Orleans or Louisiana, before the boards of commissioners established by the act, intituled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," shall have made their reports and the decision of Congress been had thereon.

Lands of the U. States, by whatsoever title acquired, not to be occupied, possessed or settled, but with the consent of the U. States. Titles of intruders forfeited.

President authorized to have them removed. The mode of doing this.

Forfeitures to enure to the benefit of the U. States.

Saving of claims before board of commissioners under the act of March 2, 1805, ch. 26.

Actual settlers may hold under the U. States as tenants at will, under bargains with the officers of the land-offices.

Conditions prescribed.

SEC. 2. *And be it further enacted,* That any person or persons who, before the passing of this act, had taken possession of, occupied, or made a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any state to the United States, which lands had not been previously sold, ceded or leased by the United States, or the claim to which lands had not been previously recognized and confirmed by the United States; and who at the time of passing this act does or do actually inhabit and reside on such lands, may at any time prior to the first day of January next, apply to the proper register or recorder, as the case may be, of the land-office established for the disposal, registering, or recording of such lands, or to such person or persons as may by such registers or recorders respectively, be appointed for the purpose of receiving such applications, stating the tract or tracts of land thus occupied, settled, and inhabited by such applicant or applicants, and requesting permission to continue thereon; and it shall thereupon be lawful for such register or recorder respectively to permit, in conformity with such instructions as may be given by the Secretary of the Treasury, with the approbation of the President of the United States, for that purpose, such applicant or applicants to remain on such tract or tracts of land not exceeding three hundred and twenty

1808, ch. 10. acres for each applicant, as tenants at will, on such terms and conditions as shall prevent any waste or damages on such lands, and on the express condition that such applicant or applicants shall, whenever such tract or tracts of land may be sold, or ceded by the United States, or whenever for any other cause, he or they may be required under the authority of the United States, so to do, give quiet possession of such tract or tracts of land, to the purchaser or purchasers, or remove altogether from the land, as the case may be: *Provided however*, that such permission shall not be granted to any such applicant, unless he shall previously sign a declaration stating that he does not lay any claim to such tract or tracts of land, and that he does not occupy the same, by virtue of any claim or pretended claim derived, or pretended to be derived from any other person or persons: *And provided also*, that in all cases where the tract of land applied for, includes either a lead mine or salt spring, no permission to work the same shall be granted without the approbation of the President of the United States, who is hereby authorized to cause such mines or springs to be leased for a term not exceeding three years, and on such conditions as he shall think proper.

Applications to be entered on books. SEC. 3. *And be it further enacted*, That all the applications made, and provisions granted by virtue of the last [preceding] section, shall be duly entered on books to be kept for that purpose, by the registers and recorders aforesaid respectively; and they shall be entitled to receive from the party for each application, fifty cents, and for each permission, one dollar.

Marshals, &c. authorized, under instructions from the President, to oust intruders. SEC. 4. *And be it further enacted*, That it shall be lawful after the first day of January next, for the proper marshal, or officer acting as marshal, under such instructions as may for that purpose be given by the President of the United States, to remove from the lands aforesaid, any and every person or persons, who shall be found on the same, and who shall not have obtained permission to remain thereon as aforesaid: *Provided*, that three months' previous notice shall be given to all such person or persons, as aforesaid, who were settled on such lands prior to the passing of this act. And every such person, who shall at any time after the expiration of three months after such notice shall have been given, be found on any part of the lands aforesaid, shall moreover incur a penalty of one hundred dollars, to be recovered in any court having jurisdiction of the same, and be moreover liable, on conviction, to imprisonment, at the discretion of the court, not exceeding six months; and the certificate of the proper register, or recorder, shall be a sufficient evidence that the tract of land which was occupied by the offender had not been previously sold, leased, or ceded by the United States, that the claim to such tract had not been recognized and confirmed by the United States, and that the person occupying the same, and removed, or to be removed, by the marshal, had not obtained permission to remain thereon in conformity with the provisions of this act: *Provided always, and it is further enacted*, that nothing in this section contained shall be construed to apply to any persons claiming lands in the territories of Orleans or Louisiana, whose claim shall have been filed with the proper commissioners before the first day of January next.

APPROVED, March 3, 1807.

STATUTE II.

March 3, 1807. CHAP. XLVII.—*An Act confirming claims to land in the district of Vincennes; and for other purposes.*

Decisions of commissioners, transmitted to Secretary of the Treasury, confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the decisions made by the commissioners appointed for the purpose of examining the claims of persons claiming lands in the district of Vincennes, in favour of such claimants as entered in the transcripts of decisions which have been

transmitted by the said commissioners to the Secretary of the Treasury, according to law, be and the same are hereby confirmed.

SEC. 2. *And be it further enacted*, That the confirmations or grants of land, made in the said district of Vincennes, by the governors of the Northwest and Indiana territories, prior to the establishment of the board of commissioners aforesaid, and in conformity with the act, intituled "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions," be, and the same are hereby confirmed; unless when actually rejected by the said commissioners; although the persons entitled to the land may not have given notice of their claim, as required by the several acts making provision for the disposal of the public lands in the Indiana territory: *Provided however*, that no other claims shall be confirmed by virtue of this section, than such as, having been entered on the territorial records, have, by the commissioners aforesaid, been inserted in their reports transmitted as aforesaid.

SEC. 3. *And be it further enacted*, That the several persons, or the legal representatives of the several persons, to whom or to whose assigns the several tracts of the tract of land near Vincennes, known by the name of the "Upper Prairie," have been heretofore confirmed, be and they are hereby respectively confirmed in their claims to the respective tracts also claimed by them, and in their actual possession, lying in that tract of land containing two hundred and forty-four acres, which is known by the name of "Continuation," and is situated between the boundaries of the tracts already confirmed, and the river Wabash.

SEC. 4. *And be it further enacted*, That the several persons whose claims are confirmed by this act, and had not been actually located prior to the establishment of the board of commissioners, be, and they are hereby authorized to enter their locations with the register of the land-office of Vincennes, on any part of the tracts set aside for that purpose, by virtue of the act, intituled "An act respecting the claims to lands in the Indiana territory, and state of Ohio," and in conformity with the provisions of that act: *Provided*, that such location shall be made prior to the first day of July, one thousand eight hundred and eight; and the right of any person who shall neglect to locate prior to that day, shall become void, and forever be barred.

SEC. 5. *And be it further enacted*, That every person, or the legal representative of every person whose claim to a tract of land is confirmed by this act, and who had not previously obtained a patent for the same, from the governor either of the territory northwest of the Ohio, or of the Indiana territory, shall whenever his claim shall have been located and surveyed, be entitled to receive from the register of the land-office, at Vincennes, a certificate stating, that the claimant is entitled to receive a patent for such tract of land by virtue of this act; for which certificate the register shall receive one dollar; and which certificate shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by law for the other lands of the United States.

SEC. 6. *And be it further enacted*, That the register and receiver of public monies in the district of Kaskaskias, be allowed till the first day of December next, to complete the investigation of claims to land in the said district. And each of the said officers, and the clerk of the board, shall be allowed an additional compensation of five hundred dollars, in full for his service in relation to such claims.

SEC. 7. *And be it further enacted*, That the public sales of the public lands in the district of Vincennes, may be continued six weeks, if the term of three weeks now prescribed by law, shall not be found sufficient to offer all the lands within the said district for sale.

SEC. 8. *And be it further enacted*, That persons entitled to a right

Confirmations of the governor of the N. West and Indiana territories, confirmed by Congress—conditionally.

1791, ch. 27.

Proviso.

Assurance of certain titles in the tract called "Continuation."

Claims confirmed under this act to be entered with the register of the land-office of Vincennes.

Proviso.
Act of April 21, 1806, ch. 40.

Persons whose claims are confirmed under this act, entitled to patents, &c. if they shall not previously have received them.

Register and receiver of Kaskaskias allowed a further time.

Additional compensation to them.

Public sales in Vincennes, how long to be kept open.

1804, ch. 35.

Pre-emption rights in Mississippi—time for satisfying them.

of pre-emption to lands in the Mississippi territory, shall be allowed till the first day of January next, to make the first payment of the purchase money of such lands.

APPROVED, March 3, 1807.

STATUTE II.

March 3, 1807.

CHAP. XLIX.—*An Act making provision for the disposal of the public lands, situated between the United States military tract and the Connecticut reserve, and for other purposes.*

Land of the U. States to be disposed of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the disposal of the lands of the United States, situated between the United States military tract and the Connecticut reserve, a land-office shall be established, which shall be kept at such place as the President of the United States may direct: and that for the disposal of the lands of the United States, lying on the Ohio river, between the Cincinnati and Vincennes districts, a land-office shall be established at Jeffersonville: and for each of the said offices a register and receiver of public monies shall be appointed, who shall give security in the same manner, in the same sums, and whose compensation, emoluments, duties and authority, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their offices, as are or may be provided by law, in relation to the registers and receivers of public monies in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river.

Offices established.

When to be sold.

Reservations, &c.

Act of Feb. 29, 1808, ch. 26.

The sales to remain open for six weeks.

1800, ch. 55.

Lands not to be sold for less than two dollars per acre.

1809, ch. 55.

Compensation of superintendents of sales.

Registers and receivers may be appointed in the recess of the Senate.

SEC. 2. *And be it further enacted,* That all the lands of the United States, in the said districts, shall, with the exception of the section number sixteen, and with the exception also of thirteen sections, including the lower town of the Delaware tribe of Indians, and their improvements, which said thirteen sections shall be designated by the Secretary of the Treasury, and shall be reserved for the use of the said tribe and their descendants, so long as they continue to reside thereon, and cultivate the same; be offered for sale to the highest bidder, under the direction of the register of the land-office, and of the receiver of public monies, at the places, respectively, where the land-offices are kept, and on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose: the sales shall remain open at each place for six weeks, and no longer: the lands shall not be sold for less than two dollars an acre, and shall in every other respect, be sold in tracts of the same size, and on the same terms and conditions, as have been, or may be by law provided for lands sold north of the river Ohio, and above the mouth of the Kentucky river. All the lands of the United States, in the said districts, with the exceptions above mentioned, remaining unsold at the close of the public sales, may be disposed of at private sale, by the register of the respective land-offices, in the same manner, under the same regulations, for the same price, and on the same terms and conditions, as are or may be provided by law for the sale of the lands of the United States north of the river Ohio, and above the mouth of the Kentucky river. And patents shall be obtained for all lands sold in said districts, in the same manner and on the same terms as are provided by law, for other public lands sold in the state of Ohio and the Indiana territory.

SEC. 3. *And be it further enacted,* That the several superintendents of public sales, directed by this act, shall receive six dollars a day for each day's attendance on the said sales.

SEC. 4. *And be it further enacted,* That the President of the United States, in the recess of Congress, shall have full power to appoint and commission the registers and receivers of public monies of the land-offices established by this act, and their commissions shall continue in

force until the end of the session of Congress next ensuing such appointment.

SEC. 5. *And be it further enacted*, That the several lead mines in the Indiana territory, together with as many sections contiguous to each as shall be deemed necessary by the President of the United States, shall be reserved for the future disposal of the United States; and any grant which may hereafter be made for a tract of land containing a lead mine, which had been discovered previous to the purchase of such tract from the United States, shall be considered fraudulent and null: and the President of the United States shall be, and is hereby authorized to lease any lead mine which has been or may hereafter be discovered in the Indiana territory, for a term not exceeding five years.

Lead mines to be reserved for the future disposal of Congress, &c.

President authorized to lease lead mines.

SEC. 6. *And be it further enacted*, That George Ash shall have the right of pre-emption to six hundred and forty acres of land including his improvement on the river Ohio, below the former Indian boundary line; the boundaries of the tract shall be designated by the register of the land-office, and the said land shall be granted to him at the same price, and on payment being made in the same manner as for other public land sold at private sale, the respective instalments of the purchase money shall become due at the same time with the payments on the first public lands sold in that district.

George Ash to have the right of pre-emption.

APPROVED, March 3, 1807.

RESOLUTION to publish the Report and Chart of the Survey of the coast of North Carolina.

March 2, 1807.

RESOLVED, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause to be published the report and chart of a survey of the coast of North Carolina, made by Thomas Coles and Jonathan Price, under the act of Congress passed at the last session for that purpose.

Chart of the survey of the coast of North Carolina to be published.

APPROVED, March 2, 1807.